

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : CRIMINAL ACTION  
vs. :  
MEHDI NIKPARVAR-FARD : NO. 18-101-1

PHILADELPHIA, PENNSYLVANIA

JANUARY 6, 2023

BEFORE: THE HONORABLE GENE E.K. PRATTER, J.

CHANGE OF PLEA HEARING

APPEARANCES:

OFFICE OF THE UNITED STATES ATTORNEY  
BY: MARY KAY COSTELLO, ESQUIRE  
CHRISTOPHER ERIC PARISI, ESQUIRE  
Assistants United States Attorney  
Eastern District of Pennsylvania  
Suite 1250 - 615 Chestnut Street  
Philadelphia, PA 19106  
Counsel for the Government

FRANK DESIMONE, ESQUIRE  
123 South Broad Street  
Suite 2500  
Philadelphia, PA 19109

- and -

BLANK ROME LLP  
BY: JOSEPH G. POLUKA, ESQUIRE  
ANN E. QUERNS, ESQUIRE  
130 N. 18th Street  
Philadelphia, PA 19103  
Counsel for the Defendant

KATHLEEN FELDMAN, CSR, CRR, RPR, CM  
Official Court Reporter  
U.S. Courthouse  
601 Market Street  
Philadelphia, PA 19106  
(215) 779-5578

(Transcript produced by machine shorthand via C.A.T.)

1 (Deputy Clerk opened court)

2 THE COURT: Hello, everybody.

3 ALL COUNSEL: Good afternoon, Your Honor.

4 THE COURT: Why don't you all take your seats.

5 MR. POLUKA: Thank you for the indulgence.

6 THE COURT: That's all I've been doing in this case  
7 is indulging everybody it seems like.

8 All right, this is the time together in anticipation  
9 of Monday's trial date in the case of United States of America  
10 versus Nikparvar-Fard, et al., docketed at 18-101 on the  
11 criminal docket. Let's take attendance.

12 MR. PARISI: Good afternoon, Your Honor.  
13 Christopher Parisi for the Government.

14 MS. COSTELLO: Mary Kay Costello for the United  
15 States, Your Honor, good afternoon, and with us is Special  
16 Agent Syreeta Scott from the Department of Labor.

17 THE COURT: Good to see you all again.

18 MR. DESIMONE: Good afternoon, Your Honor. We meet  
19 in the morning and in the afternoon for Dr. Nikparvar-Fard.

20 MS. QUERNS: Good afternoon --

21 THE COURT: You're still Frank DeSimone?

22 MR. DESIMONE: The last time, well, maybe not,  
23 Judge.

24 MS. QUERNS: Ann Querns also for Dr. Nikparvar-Fard.

25 MR. POLUKA: And Joe Poluka, Your Honor, for Dr.

1 Nikparvar-Fard.

2 THE COURT: Okay, and the defendant is here. We do  
3 not have Ms. Flannery on the line quite yet. As far as I can  
4 tell, we have a number of matters. One I resolved. First, I  
5 want to state for the record that notwithstanding the  
6 continued strong efforts, articulate efforts and creative  
7 efforts of defense counsel, I denied the motion to compel or  
8 to seek an order to compel the Pennsylvania Department of  
9 Health to issue material listing in some fashion the requests  
10 or the orders for prescriptions by the Government's expert  
11 witness. We did that this morning by phone. I said I would  
12 put on the record the fact that it was a very ably fought and  
13 defended motion. We talked at some length to a Mr. Hoffman --

14 MR. DESIMONE: Hoffman, yes.

15 THE COURT: -- who represented the Department of  
16 Health. He explained to me what I perceived by looking at the  
17 exemplar of what a report would look like. I raised  
18 questions. I had excellent answers to my questions and  
19 ultimately saw no point to the information that was being  
20 sought that could be of any important use in this case other  
21 than as a toehold for further delay. So I denied the motion.

22 Anybody want to put more on the record with respect  
23 to that issue? And you may. You should feel free to do  
24 that --

25 MR. DESIMONE: No, Your Honor.

1 THE COURT: -- since we now have a court reporter.

2 MR. PARISI: No, Your Honor.

3 MS. QUERNS: No, Your Honor.

4 MR. DESIMONE: No, Your Honor.

5 THE COURT: All right. That was one issue. Another  
6 issue is that there seemed to be some issues with respect to  
7 applications to withdraw as counsel or anticipating a motion  
8 to withdraw as counsel and that, of course, has some  
9 implications for the scheduling of the case. There also are  
10 some real or imagined efforts to continue the trial that  
11 starts on Monday and I'm perfectly happy to hear anything  
12 about that, although I do note that Ms. Flannery on behalf of  
13 her client as well as the Government both have expressed what  
14 I understand are oppositions to the application to continue  
15 the trial.

16 MR. DESIMONE: Your Honor, may I address the Court?

17 THE COURT: Yes, of course.

18 MR. DESIMONE: We are -- in light of what has  
19 happened, all those issues are moot and we would withdraw  
20 them.

21 THE COURT: Yes, you may be anticipating something,  
22 over anticipating.

23 MR. DESIMONE: Well, Your Honor, our client -- the  
24 Government and I and our client have entered into a potential  
25 plea arrangement, Your Honor, change of plea.

1           THE COURT:   Meaning that it's not yet moot because  
2   depending upon what I do --

3           MR. DESIMONE:   That's true.

4           THE COURT:   -- with that, then you may be back to  
5   expressing why you think a continuance is necessary.

6           MR. DESIMONE:   True, but I think --

7           THE COURT:   Or a withdrawal of an appearance.

8           MR. DESIMONE:   Judge, what I would like to do is --  
9   I think we should do the cart before the horse because if the  
10   cart is accepted and there's a plea, the other issues will be  
11   moot.  If the plea's not going to be accepted, then we would  
12   -- we might have to address the other issues.

13          THE COURT:   Perhaps.  I don't know in this instance  
14   what the cart is or what the horses are.

15          MR. DESIMONE:   Well, the cart is the guilty plea,  
16   Judge.

17          THE COURT:   Maybe so.

18          MR. DESIMONE:   Change of plea, I'm sorry.

19          THE COURT:   That's fine.  I'm happy to, but do you  
20   know what, if -- let me point this out.  I've been told that  
21   there is some disaffection between the defendant and counsel,  
22   and if that is true, I have trouble knowing why anybody should  
23   devote any time to this hearing on the plea if, in fact, it's  
24   going to end up being argued later that --

25          MR. DESIMONE:   Judge --

1           THE COURT:  -- the counseling was somehow  
2   ineffective because the lawyers were looking towards walking  
3   away from representing this client.  I don't want this to be  
4   an excuse later.  You're shaking your head no, Mr. Poluka, but  
5   I've been here before.  As I said, I'm not just pulling the  
6   hay out of my hair today and it's been used plenty of times in  
7   the past by defendants who enter a plea and then say, Oh, but,  
8   you know, my lawyers really didn't want to represent me and I  
9   felt I had no choice because they were going to abandon me.

10           MR. DESIMONE:  Judge, that is not the case.

11           THE COURT:  Of course not.

12           MR. DESIMONE:  I can tell you --

13           THE COURT:  But it never is.

14           MR. DESIMONE:  We have -- we have worked very hard,  
15   both the Government --

16           THE COURT:  I know you have.

17           MR. DESIMONE:  -- and ourselves today and the client  
18   and the client's wife is here.  He understands a lot better  
19   now what we were trying to advise him in this matter, and  
20   excuse my voice, Your Honor, because as you can hear, it's  
21   gone.

22           THE COURT:  No, no, it's quite all right.

23           MR. DESIMONE:  And I think we're beyond that and I  
24   think he'll address that, that he is satisfied with our  
25   representation, that he's satisfied with the advice we're

1 giving him, and I would spend time today on this plea because  
2 I think after another discussion with him and his wife, I  
3 think he understands very well now this case and what we've  
4 been trying to tell him. I mean, it was a difficult decision  
5 for him to make, he didn't want to make it, and I think  
6 finally today, thanks to the epiphany, January 6th, we have an  
7 epiphany, and he will tell you that, Judge. I don't mean to  
8 bring the epiphany into this and maybe --

9 THE COURT: No, no. Hey, I think that phrase has  
10 been -- is ecumenical.

11 MR. DESIMONE: It is ecumenical. And on this day of  
12 lawfulness, I don't want to be hollered now for saying that.  
13 That's a joke. But, anyway, I do think having spoken to his  
14 wife, Mr. Poluka will also state that, and also Ms. Querns, we  
15 had a long discussion and I am firmly convinced that he knows  
16 what he's doing and he agrees to it and he wants to do it.

17 THE COURT: None of that changes the fact that I've  
18 got a motion to withdraw or at least I've been told that there  
19 is a motion to withdraw.

20 MR. DESIMONE: Well, not now, Judge. He's listened  
21 to our advice.

22 MR. POLUKA: Your Honor, just to be clear, and there  
23 were different calls with different people. There is no  
24 pending motion to withdraw. Given the difficulty with the  
25 discussions, we suggested to the court clerk that that could

1 happen. There's no motion filed, none drafted, and I would  
2 just add, Mr. DeSimone used the word discussion with our  
3 client. It's discussions, plural, all week, and it was not  
4 just about the terms of the plea, Your Honor, but about the  
5 trial evidence. So I hear the Court and I know what the  
6 Court's talking about down the road, motions coming in, et  
7 cetera, but we have had intensive long discussions not only  
8 about the terms of the agreement reached with the Government,  
9 but also the trial evidence and what could happen if the trial  
10 doesn't go the way of the client. I just want to make that  
11 clear. It's not a discussion. It's been discussions all week  
12 and very intense ones.

13 THE COURT: Yes, I don't question that for a minute.  
14 As I said, my concern has to do with the information that I  
15 had, informal though it may have been, that there were waves  
16 upon the sea of the lawyer-client relationship.

17 MR. POLUKA: Your Honor, there were, and out of an  
18 abundance of caution, we let the deputy clerk know. I  
19 think -- I agree with Mr. DeSimone, we're past it, but we  
20 didn't want to be saying that this morning if that's where we  
21 ended up -- or this afternoon, rather. So I agree with Mr.  
22 DeSimone. I agree we're past it.

23 THE COURT: Yes, well, let me just tell you, give  
24 you a little window into my thinking. There's no substantive  
25 difference between where you were this morning and where you



1 are now vis-a-vis the Court's view as to whether or not such a  
2 motion, if made, would be granted.

3 MR. POLUKA: Understood.

4 THE COURT: Which I'm not going to say, because I  
5 haven't seen such a motion, but it would be a very steep  
6 climb.

7 MR. POLUKA: Understood. We're well aware of that,  
8 Your Honor. Well aware.

9 THE COURT: And it would be -- and that would go for  
10 both sets of counsel. I'm not going to let one bail out of  
11 the boat and leave the other to row alone.

12 MR. POLUKA: Understood.

13 THE COURT: Okay, is everybody tracking here?

14 MR. DESIMONE: Clearly, Judge.

15 THE COURT: From the Government's standpoint, you  
16 know that all this means is that you have one defendant to  
17 start with on Monday who tells me she's ready to go.

18 MS. COSTELLO: Yes, Your Honor, and we'll be ready  
19 to go, too.

20 THE COURT: I'm sure. I'm sure. Okay. So I guess  
21 it really only remains to be seen how many of us are going to  
22 be here. All right. Well, since I don't give advisory  
23 opinions on anything, we'll see where this takes us. Since  
24 the defendant knows who I am since we've been together many  
25 times, why don't you stand up, sir, and we're going to have

1     you sworn in.

2             THE DEPUTY CLERK: Please raise your right hand.

3             MEHDI NIKPARVAR-FARD, DEFENDANT, SWORN

4             THE DEPUTY CLERK: Please have a seat and state your  
5 full name and spell your last name for the record.

6             THE DEFENDANT: Mehdi Nikparvar-Fard,  
7 N-I-K-P-A-R-V-A-R-F-A-R-D.

8             THE COURT: So I know that your lawyers have been  
9 telling you that what this proceeding is about is primarily  
10 for you. It's certainly about you and the choices that you  
11 have to make here and it's my primary job to make sure that  
12 you understand how important and how serious this is, how  
13 important each decision you make is, and it's also my job to  
14 make sure that we move ahead in a way that is fair to you as  
15 well as to the people of the United States. Before I forget,  
16 Mike, why don't you just call up Ms. Flannery and tell her see  
17 her on Monday.

18            THE DEPUTY CLERK: Okay.

19            THE COURT: Okay.

20            So it's important that we move ahead in a way that  
21 acknowledges how important this is for you and to the people  
22 of the United States, all right? Are you ready to start, sir?

23            THE DEFENDANT: Yes, I am.

24            THE COURT: All right. As far as I have been told,  
25 what people want to do here this afternoon is give you an

1 opportunity to change your previously-entered plea and enter a  
2 plea to a Superseding Indictment, specifically, to Count Five  
3 of the Superseding Indictment, in which you have been charged  
4 with conspiracy to distribute controlled substances which  
5 would be a violation of Title 21 of the United States Code  
6 Section 846. These charges arise from your alleged role in a  
7 scheme to unlawfully dispense controlled substances outside  
8 the usual course of professional practice and without a  
9 legitimate medical purpose including the allegation that there  
10 were -- there was pre-signing of prescription pads for  
11 coconspirators to use where the coconspirator, particularly  
12 one in particular, whose DEA registration was suspended.  
13 There are all sorts of other features to this document called  
14 a Guilty Plea Agreement that we are going to be looking at in  
15 particular and -- but, overall, that's initially why we are  
16 here. You've been sworn in and we have had many times  
17 together about your name in the past, but let me ask, have you  
18 ever used any other name other than Mehdi Nikparvar-Fard?

19 THE DEFENDANT: Yes.

20 THE COURT: What are your other names?

21 THE DEFENDANT: Mehdi Armani.

22 THE COURT: Anything else?

23 THE DEFENDANT: No.

24 THE COURT: What's your real name?

25 THE DEFENDANT: My --

1           THE COURT: What's the name you got when you were  
2 born as far as you know?

3           THE DEFENDANT: Mehdi Nikparvar-Fard.

4           THE COURT: What are your primary languages in which  
5 you feel comfortable conversing?

6           THE DEFENDANT: My primary language is Persian, but  
7 I speak English too.

8           THE COURT: All right. Are you satisfied that we  
9 can conduct this hearing in English?

10          THE DEFENDANT: Yes, I am.

11          THE COURT: If, at any time, you do not understand  
12 what I am saying or you wish me to speak more slowly or more  
13 loudly, that will be fine, just tell me and I will do so. If,  
14 at any time, you believe you need an interpreter or a  
15 translator, we will stop and get somebody to help you  
16 understand what is going on, do you understand?

17          THE DEFENDANT: I do.

18          THE COURT: All right. I am going to be explaining  
19 a number of things to you and I am going to be asking you a  
20 lot of questions. You are sitting next to or among your  
21 various three lawyers. You may speak with them at any time if  
22 you wish. If you want to talk privately with them, fine, let  
23 me know, we will take a break and you may do so. We are  
24 speaking into the microphone because Ms. Feldman here is  
25 creating a written record of everything that is said. It

1 means that you must speak up so that your answers can be  
2 heard. As far as I know, we are not filming. That means your  
3 answers have to be out loud. You cannot answer my questions  
4 by merely nodding or shaking your head. Is that satisfactory  
5 to you?

6 THE DEFENDANT: Yes.

7 THE COURT: Good. Now, you understand you're under  
8 oath, sir, and that means you've given your word to tell the  
9 truth.

10 THE DEFENDANT: Yes, I do.

11 THE COURT: And do you understand that that means  
12 I'm going to assume that the answers you give me are going to  
13 be absolutely truthful?

14 THE DEFENDANT: Yes, I do.

15 THE COURT: And because you're under oath, do you  
16 understand that if you answer any of my questions falsely,  
17 then your answers can and very likely will be used against you  
18 later in another prosecution, one for perjury or making a  
19 false statement?

20 THE DEFENDANT: Yes, I do.

21 THE COURT: Has anybody instructed you, told you or  
22 even suggested or hinted that you could or should answer any  
23 of my questions falsely?

24 THE DEFENDANT: No.

25 THE COURT: All right. And, as I understand it, you

1 may have been even told what kinds of questions I'm going to  
2 be asking you, is that right?

3 THE DEFENDANT: No.

4 THE COURT: So you have no idea what I'm going to be  
5 asking you?

6 THE DEFENDANT: Yeah, I know what you're going to  
7 ask.

8 THE COURT: Okay. Do you understand that I'm asking  
9 you these questions so that I can be satisfied that you know  
10 what you're doing?

11 THE DEFENDANT: Yes, I do.

12 THE COURT: And that you are competent and able to  
13 change your prior plea and you are knowingly and voluntarily  
14 giving up some very important rights that you have by entering  
15 a guilty plea?

16 THE DEFENDANT: Yes, I do.

17 THE COURT: Of what country are you a citizen?

18 THE DEFENDANT: United States.

19 THE COURT: When did you become a United States  
20 citizen?

21 THE DEFENDANT: Maybe 2010.

22 THE COURT: Maybe or --

23 MR. POLUKA: Can you stand up?

24 SPECTATOR: 2014.

25 MR. POLUKA: For the doctor?

1 SPECTATOR: Yes, 2014.

2 THE COURT: Did you go to a naturalization ceremony?

3 THE DEFENDANT: Yes, I did.

4 THE COURT: How old are you?

5 THE DEFENDANT: I'm 53.

6 THE COURT: What is your most recent home address?

7 THE DEFENDANT: 400 Fair View Road, Narberth,  
8 Pennsylvania 19072.

9 THE COURT: Okay. How long have you lived there?

10 THE DEFENDANT: Maybe 12 years.

11 THE COURT: And who other than your wife lives  
12 there?

13 THE DEFENDANT: My daughter and my son.

14 THE COURT: Your son was about ready to graduate  
15 from high school.

16 THE DEFENDANT: I'm sorry?

17 THE COURT: Are they both -- where are they in  
18 school?

19 THE DEFENDANT: My daughter is in high school. My  
20 son is graduated.

21 THE COURT: Is your son in college?

22 THE DEFENDANT: Yeah, he goes to college.

23 THE COURT: Where does he go?

24 THE DEFENDANT: He goes to Penn State in Penn State.

25 THE COURT: Which campus?

1 THE DEFENDANT: Abington.

2 THE COURT: Do you have any other children besides  
3 the two?

4 THE DEFENDANT: No.

5 THE COURT: And as has been pointed out, your wife  
6 is here today, right?

7 THE DEFENDANT: Yes, she is.

8 THE COURT: Okay. You are not presently in federal  
9 custody, but you have been in federal custody in connection  
10 with this case, right?

11 THE DEFENDANT: Yes, I was.

12 THE COURT: How much time were you in federal  
13 custody in connection with these charges?

14 THE DEFENDANT: I guess almost four years.

15 THE COURT: How many months?

16 MR. PARISI: Your Honor, I believe it was 43 months  
17 is what we calculated.

18 MR. DESIMONE: That's correct.

19 THE COURT: But those are only in connection with  
20 these charges, not any violation of supervision or any other  
21 of the various problems that the defendant has had?

22 MR. PARISI: That's my understanding, Your Honor.

23 MS. COSTELLO: Yes.

24 THE COURT: Does anybody have a different  
25 understanding?



1 MR. DESIMONE: No, Your Honor.

2 MR. POLUKA: No, Your Honor.

3 THE COURT: All right. How far did you go in  
4 school, sir?

5 THE DEFENDANT: I'm a doctor, medical doctor.

6 THE COURT: When did you get your M.D. degree?

7 THE DEFENDANT: '96.

8 THE COURT: And where did you earn that degree?

9 THE DEFENDANT: Tehran University Medical Center.

10 THE COURT: And when did you become licensed in the  
11 United States?

12 THE DEFENDANT: 2000.

13 THE COURT: In what jurisdictions have you been  
14 licensed in the United States?

15 THE DEFENDANT: New York, Ohio, Pennsylvania.

16 THE COURT: Any others?

17 THE DEFENDANT: No.

18 THE COURT: What is the status of your licenses in  
19 each of those jurisdictions?

20 THE DEFENDANT: My license currently is suspended.

21 THE COURT: In all three?

22 THE DEFENDANT: The other two, New York and Ohio, I  
23 terminated those licenses. I didn't renew them. I made them  
24 inactive, and for Pennsylvania, it's suspended now.

25 THE COURT: Okay. At some point relatively

1 recently, you were allowed to be on what we call pretrial  
2 release. Since that was put into place, have you been working  
3 at all doing anything?

4 THE DEFENDANT: I was working on my legal --

5 THE COURT: On what?

6 THE DEFENDANT: I was working on my legal matters.

7 THE COURT: But did you have a job where you were  
8 earning any money?

9 THE DEFENDANT: No.

10 THE COURT: Have you had any medicine, drugs or  
11 pills of any kind in the last 48 hours?

12 THE DEFENDANT: Yes, I did.

13 THE COURT: What?

14 THE DEFENDANT: Celexa.

15 THE COURT: For what? For what condition?

16 THE DEFENDANT: Anxiety.

17 THE COURT: And who prescribed that for you?

18 THE DEFENDANT: The doctor from the FDC.

19 THE COURT: When's the last time you were at the FDC  
20 to have a doctor from the FDC give you a prescription?

21 THE DEFENDANT: Well, I got it five months ago.

22 THE COURT: Pardon?

23 THE DEFENDANT: Five months ago.

24 THE COURT: And what kind of prescription did the  
25 doctor at the FDC give you for anxiety five months ago?

1 THE DEFENDANT: The same medication Celexa.

2 THE COURT: How do you renew it?

3 THE DEFENDANT: Well, I didn't renew it. I had it  
4 from the jail so I continued taking it.

5 THE COURT: Five months of medication from the jail?

6 THE DEFENDANT: I had two months from the jail and  
7 then I had from before going to jail, I had it at home, so I  
8 continued using it.

9 THE COURT: How much -- what quantity of medication  
10 do you have at home?

11 THE DEFENDANT: It's from --

12 THE COURT: Unrelated to what the doctor at the FDC  
13 prescribed for you?

14 THE DEFENDANT: Maybe three months supply.

15 THE COURT: Then you must be running out.

16 THE DEFENDANT: I am running out, yeah. I'm on the  
17 last few of them.

18 THE COURT: Do you consult with a medical doctor  
19 now?

20 THE DEFENDANT: I'm planning to see a doctor to have  
21 them treat for me.

22 THE COURT: Do you have a GP or an internist, a  
23 doctor?

24 THE DEFENDANT: No, I haven't been out of the home.

25 THE COURT: That's not my question. The question I

1 had is do you have a doctor?

2 THE DEFENDANT: No, I don't.

3 THE COURT: So how do you plan to get your  
4 prescription renewed?

5 THE DEFENDANT: Well, I'm planning to see --  
6 currently I don't have any health insurance company. I have  
7 to see who provides like a free clinic or something like that  
8 to go to them and get the medication refilled.

9 THE COURT: Is there any medicine you should be  
10 taking for any other condition that you've not taken in the  
11 last couple of days?

12 THE DEFENDANT: No.

13 THE COURT: So the only medicine you take is the  
14 medicine that you had in with your supply at home for anxiety,  
15 is that right?

16 THE DEFENDANT: Yes. Yes, and depression.

17 THE COURT: Pardon?

18 THE DEFENDANT: Anxiety and depression.

19 THE COURT: Is your officer, I guess -- Michael, who  
20 was the probation officer?

21 THE DEPUTY CLERK: It's Pretrial Services.

22 THE COURT: Does Mr. Meissler know about the drugs  
23 you're taking?

24 THE DEFENDANT: Yeah, they know that I'm taking  
25 medication, yes.

1           THE COURT: Michael, will you check with Mr.  
2 Meissler to make sure that he knows all of the medication that  
3 the defendant is taking?

4           THE DEPUTY CLERK: Yes.

5           THE COURT: Thank you. Have you had any alcoholic  
6 beverages in the last 24 hours?

7           THE DEFENDANT: No.

8           THE COURT: Have you ever had or been treated for  
9 any kind of mental illness or drug, narcotic or alcohol  
10 addiction?

11          THE DEFENDANT: Depression and anxiety.

12          THE COURT: Okay. Were you ever in the hospital for  
13 anything like that?

14          THE DEFENDANT: No.

15          THE COURT: And you don't appear to be under the  
16 care of any doctor, psychiatrist or psychologist now, is that  
17 right?

18          THE DEFENDANT: I am under the care of a  
19 psychologist.

20          THE COURT: Pardon?

21          THE DEFENDANT: I'm under the care of psychologist.

22          THE COURT: Who is that?

23          THE DEFENDANT: Psychologist overseas back home.

24          THE COURT: No, I know what it is. But who is it?

25          THE DEFENDANT: Dr. Amin.

1 THE COURT: Say that again.

2 THE DEFENDANT: Dr. Amin, A-M-I-N.

3 THE COURT: Okay, and where is Dr. -- is it Amin?

4 THE DEFENDANT: Yes.

5 THE COURT: Where is Dr. Amin's office?

6 THE DEFENDANT: In Tehran in Iran.

7 THE COURT: Anybody more local?

8 THE DEFENDANT: No, I don't have insurance so I  
9 couldn't afford to get anybody local.

10 THE COURT: You appear to hear okay, is that right?

11 THE DEFENDANT: Yes, I do.

12 THE COURT: Good. How do you feel today?

13 THE DEFENDANT: Depressed.

14 THE COURT: Are you too depressed to carry on?

15 THE DEFENDANT: No, I'm not.

16 THE COURT: And you think you know what you're  
17 doing?

18 THE DEFENDANT: Yes.

19 THE COURT: All right. So your depression does not  
20 get in the way of you thinking clearly, is that right?

21 THE DEFENDANT: No, it doesn't.

22 THE COURT: You know, you've got a right to be  
23 represented by a lawyer at every stage of these proceedings.  
24 It doesn't matter whether you continue to plead not guilty,  
25 you plead guilty, you still have a right to a lawyer at every

1 step along the way, right?

2 THE DEFENDANT: Yes, I do.

3 THE COURT: And if you met the financial criteria  
4 for the appointment of a lawyer under the Criminal Justice Act  
5 and cannot afford a lawyer to represent you in this case, you  
6 know that a lawyer would be appointed to represent you at no  
7 cost to you assuming you met the financial criteria?

8 THE DEFENDANT: Yes, I do.

9 THE COURT: And you have a number of lawyers and  
10 they're sitting there all about you, correct?

11 THE DEFENDANT: Yes, I do.

12 THE COURT: Mr. DeSimone, Ms. Querns and Mr. Poluka,  
13 right?

14 THE DEFENDANT: Yes, I do.

15 THE COURT: And have you had time and a sufficient  
16 opportunity to discuss your case with them?

17 THE DEFENDANT: Yes, I did.

18 THE COURT: Are you satisfied with their  
19 representation of you in this matter and with their advice?

20 THE DEFENDANT: Yes, I am.

21 THE COURT: As I mentioned, you've been charged in  
22 what we call a Superseding Indictment. Those are the written  
23 charges made against you by the grand jury. Have you read it?

24 THE DEFENDANT: Yes, I did.

25 THE COURT: And did you have the opportunity to talk

1 with your lawyers and ask them about the charges in the  
2 Superseding Indictment?

3 THE DEFENDANT: Yes, I did.

4 THE COURT: And do you understand, in summary, the  
5 charges, at least in terms of Count Five, are what I mentioned  
6 earlier, is that right?

7 THE DEFENDANT: Yes.

8 THE COURT: There are a number of other counts in  
9 the Superseding Indictment, but it's my understanding that at  
10 least the current intention of the Government is to move to  
11 dismiss those other charges in the event all of these matters  
12 that you and your lawyers and the Government have been  
13 discussing come to fruition, do you understand that?

14 THE DEFENDANT: Yes, I do.

15 THE COURT: So you know that the Superseding  
16 Indictment has more than just the one Count Five. It has  
17 other counts in it?

18 THE DEFENDANT: Yes, I do.

19 THE COURT: All right. Now, you know that if you  
20 plead guilty to the charges in the Superseding Indictment in  
21 Count Five, you're going to be giving up your right to  
22 challenge anything that you think might have been wrong or  
23 improper that you don't like in the Superseding Indictment or  
24 in the grand jury proceeding including some claim that the  
25 Government lawyers have done something wrong. So if you plead



1 guilty, if I accept your plea and the plea remains intact, you  
2 know you can't fight about anything more that happened in the  
3 grand jury or what the Government lawyers have done, do you  
4 understand that?

5 THE DEFENDANT: Yes, I do.

6 THE COURT: Now, you know you've been charged with  
7 the commission of a felony, right?

8 THE DEFENDANT: Yes.

9 THE COURT: A felony is a serious crime punishable  
10 by more than a year in jail. Do you understand that?

11 THE DEFENDANT: Yes, I do.

12 THE COURT: All right. And do you also understand  
13 that if you plead guilty to a felony, if I accept your plea,  
14 and if I accept it either as currently configured or in some  
15 other configuration and ultimately this remains in place, you  
16 know you will then be found guilty of a felony, you will have  
17 that on your record, and that can have a number of important  
18 long-lasting consequences.

19 THE DEFENDANT: Yes, I do.

20 THE COURT: All right. Well, among them, as an  
21 American citizen, you lose the right to vote. Here in  
22 Pennsylvania, you lose the right to vote while you're in  
23 prison or in a halfway house. Some other states have a  
24 different approach to the voting question. Some states say  
25 you can never vote again, others say, no problem, you can vote

1 as a felon, but the point is that there is typically some  
2 consequences to your voting, your exercising your voting  
3 rights. As a convicted felon, you lose the right to hold a  
4 public office. You lose the right to serve on a jury. This  
5 will have very dire, as it should, licensing consequences for  
6 you. You may never ever work again as a medical doctor, do  
7 you understand that?

8 THE DEFENDANT: Yes, I do.

9 THE COURT: All right. I, frankly, don't know what  
10 the rules are in various states about a conviction of this  
11 sort in terms of licensing people who hold themselves out as  
12 medical doctors, but I do know enough to say that it cannot  
13 help the fact that you'd be a convicted felon and trying to  
14 get a medical license, do you understand that?

15 THE DEFENDANT: Yes, I do.

16 THE COURT: All right. Very possible you'll never  
17 work again as a doctor.

18 THE DEFENDANT: Yes, I know.

19 THE COURT: All right. Now, is your willingness to  
20 plead guilty the result of discussions that you and your  
21 lawyers have had with the attorney for the Government where  
22 those discussions have resulted in something characterized as  
23 a Guilty Plea Agreement?

24 THE DEFENDANT: Yes.

25 THE COURT: Okay. Which of you is the -- oh, there

1     you go.   Okay.   Mr. Parisi.

2                 MR. PARISI:   Yes, Your Honor.

3                 THE COURT:   You have the short stick.

4                 MR. PARISI:   I am a stick.

5                 THE COURT:   Okay.   Would you please state the terms  
6     of this document.

7                 MR. PARISI:   Yes, Your Honor.   Your Honor, the major  
8     pertinent terms are that the defendant would, as Your Honor  
9     just stated, plead to Count Five of the Superseding Indictment  
10    which charges him with conspiracy to distribute a controlled  
11    substance.   This plea is made pursuant to Rule 11(c)(1)(C) and  
12    the parties agree that the recommended range of sentence in  
13    this case should be not less than 43 months nor more than 108  
14    months.

15                THE COURT:   Why is it not a B plea then, if your  
16    recommendation, language recommendation comes straight out of  
17    B?

18                MR. PARISI:   I apologize, Your Honor, this would be  
19    a binding Plea Agreement upon Your Honor.   The fine would be  
20    in an amount to be determined by Your Honor.   There's a  
21    mandatory minimum period of three years of supervised release  
22    up to a lifetime of supervised release to be determined at  
23    Your Honor's discretion.   There's a \$100 special assessment.  
24    In exchange for the defendant's plea, the Government would  
25    move to dismiss Counts One through Four at the time of

1 sentencing and recommend a sentence consistent with that range  
2 that I just stated.

3           There are stipulations for Your Honor's  
4 consideration as to the sentencing. The first is that  
5 138 grams of Oxycodone were distributed in furtherance of the  
6 conspiracy charged and that the defendant's Guidelines should  
7 be calculated on the basis of that weight.

8           Second, excuse me, second, the Government is going  
9 to argue --

10           THE COURT: And if so, what would the Guidelines be?

11           MR. PARISI: Your Honor, I don't have my Guidelines  
12 manual in front of me. I believe the range that will result  
13 from this -- thank you, Your Honor. May I approach?

14           THE COURT: Yes.

15           MR. PARISI: Your Honor, I believe the range that  
16 will result from this will be 121 months to 151 months.

17           THE COURT: So your proposed sentence at least so  
18 far is less than what we know the Guidelines would call for.

19           MR. PARISI: Yes, Your Honor.

20           THE COURT: Okay, keep going.

21           MR. PARISI: Your Honor, the next stipulation is  
22 that the Government is going to argue or the defendant is  
23 aware the Government is going to argue both the abuse of  
24 position of trust enhancement and the organizer/leader  
25 enhancement should apply. The defendant reserves the right to

1 object to those at sentencing.

2 And, lastly, as a stipulation, that the defendant  
3 has accepted responsibility and should receive three points  
4 for acceptance there.

5 The Plea Agreement --

6 THE COURT: Is this happening, what, how many hours,  
7 72 hours before trial, three full points?

8 MR. PARISI: Yes, Your Honor.

9 THE COURT: Hmm. You can keep going.

10 MR. PARISI: Your Honor, there is an appellate  
11 waiver in the plea that begins on page 7 and I believe those  
12 are the major points of the proposed Plea Agreement.

13 THE COURT: Thank you. Give me the Guidelines  
14 again.

15 MR. PARISI: 121, Your Honor, to 151.

16 THE COURT: Okay. Sir, are those the terms of your  
17 Plea Agreement as you understand them?

18 THE DEFENDANT: Yes, I do.

19 THE COURT: Any -- who wants to speak as counsel,  
20 Mr. DeSimone, is it you, or Ms. Querns?

21 MR. DESIMONE: We agree.

22 THE COURT: No, no, no, I just want to know to whom  
23 should I address my questions. You?

24 MR. DESIMONE: That's Ms. Querns.

25 THE COURT: So, Mr. DeSimone, are those the -- are

1     there any essential terms --

2                 MR. DESIMONE:   Yes, Your Honor.

3                 THE COURT:   -- of the Plea Agreement that have not  
4     been disclosed?

5                 MR. DESIMONE:   No.

6                 THE COURT:   Okay.   Are there any agreements or  
7     conditions other than those that have been set forth in the  
8     Plea Agreement?

9                 MR. DESIMONE:   None, Your Honor.

10                THE COURT:   May I see the original signed Guilty  
11   Plea Agreement, please?

12                MR. POLUKA:   Do we have it or do they have it?

13                MR. DESIMONE:   No, I gave it to her.   May I  
14   approach?

15                MR. POLUKA:   Did you sign it, Frank?

16                MR. DESIMONE:   Yes, I did.   Signed and dated, Judge.

17                THE COURT:   I've got here a document, sir, that's  
18   got the caption of your case on it.   It's called the Guilty  
19   Plea Agreement.   There's attached to it a shorter document.  
20   It's called an Acknowledgment of Rights.   And the last page of  
21   the Guilty Plea Agreement and the last page of the  
22   Acknowledgment each show a number of signatures except for Mr.  
23   Parisi's, whose is a typed signature facsimile, but I want to  
24   ask you some questions about the document.

25                Mr. Coyle, will you return this to the defense

1 table, please.

2 THE DEPUTY CLERK: Yes.

3 THE COURT: So did you sign each of those documents,  
4 sir?

5 THE DEFENDANT: Yes, I did.

6 THE COURT: Take a look at it before you answer me.

7 THE DEFENDANT: Yes, I did.

8 THE COURT: So your signature's on the agreement and  
9 on the acknowledgment, is that right?

10 THE DEFENDANT: Yes, it is.

11 THE COURT: Did you read each document before you  
12 signed it?

13 THE DEFENDANT: Yes, I did.

14 THE COURT: Do you believe you understood each  
15 document before you signed it?

16 THE DEFENDANT: Yes, I do.

17 THE COURT: Did you discuss each one thoroughly with  
18 your lawyers before you signed it?

19 THE DEFENDANT: Yes, I did.

20 THE COURT: Did you have enough time to talk over  
21 the Guilty Plea Agreement with your lawyers?

22 THE DEFENDANT: Yes, I did.

23 THE COURT: Has anybody made any threats or any  
24 promises or assurances to you of any kind other than what is  
25 set forth in the Plea Agreement to convince you or to get you

1 to sign it?

2 THE DEFENDANT: No.

3 THE COURT: Is it your intention to plead guilty of  
4 your own free will?

5 THE DEFENDANT: Yes, I am.

6 THE COURT: All right. We're going to talk a bit  
7 about the idea of waiving various rights and I want to be sure  
8 you and I are talking about the same thing. For purposes of  
9 these proceedings, the word waiver means to voluntarily and  
10 intentionally abandon or give up some right, claim, or  
11 privilege that you have or the opportunity to take advantage  
12 of some right, claim, or privilege that you have or that you  
13 might have. In effect, although, of course, it's spelled  
14 differently, you're waving good-bye forever when you waive a  
15 right. Do you understand that?

16 THE DEFENDANT: Yes, I do.

17 THE COURT: And do you understand that by entering a  
18 guilty plea, you're waiving, assuming I accept this and that  
19 it remains in place, you understand that you're giving up  
20 waiving forever any challenge to the manner by which you were  
21 arrested, because I know that's been an object or an issue for  
22 you for many years. You are giving up any squabble or fight  
23 with the Government about how you were arrested, how you were  
24 investigated, how statements were made and taken from others,  
25 how they were used in connection with investigating you. You



1 give up all of that. No more fighting, no more arguments, no  
2 appeal, no nothing, on all of those issues that you've been  
3 fighting about for lo these many years, do you understand  
4 that?

5 THE DEFENDANT: Yes, I do.

6 THE COURT: And you also give up any challenge to  
7 any failure of the Government to obtain or the manner by which  
8 the Government may have obtained some kind of a search warrant  
9 or an arrest warrant, do you understand that?

10 THE DEFENDANT: Yes, I do.

11 THE COURT: And as I said, you're giving up any  
12 right to fight about how the Government investigated you, your  
13 conduct, gathered evidence against you, any disputes you might  
14 have with the Government about discovery, all of that. Do you  
15 understand?

16 THE DEFENDANT: Yes, I do.

17 THE COURT: You're also giving up any challenge to  
18 any proceedings before any magistrate judge. Do you  
19 understand?

20 THE DEFENDANT: Yes, I do.

21 THE COURT: Likewise, you're giving up any fight  
22 about all of the many proceedings you had in this court about  
23 your bail and your applications for bail and all of the other  
24 motions you have made or that you have asked your lawyers to  
25 make. There's no way to challenge any of those things as well

1 if this guilty plea remains in place. Do you understand that?

2 THE DEFENDANT: Yes, I do.

3 THE COURT: Now, you know you have an absolute right  
4 to continue to plead not guilty and make the Government prove  
5 its case against you which it's ready to do starting Monday.

6 THE DEFENDANT: Yes, I do.

7 THE COURT: All right. And you know you've got the  
8 right to be tried by a jury if you do not plead guilty. Do  
9 you understand?

10 THE DEFENDANT: Yes, I do.

11 THE COURT: And if you don't plead guilty, you could  
12 choose to be tried by a judge alone without a jury. There's  
13 no guarantee of that, but you could at least ask if you  
14 wanted. Do you understand?

15 THE DEFENDANT: Yes, I do.

16 THE COURT: Now, if you don't plead guilty, but if  
17 you decide to go to trial and if you choose to have a jury  
18 trial, you know you can participate through your lawyers to  
19 select the people to serve on your jury. You know that?

20 THE DEFENDANT: Yes, I do.

21 THE COURT: And at a trial, you could be presumed to  
22 be 100 percent innocent at the start.

23 THE DEFENDANT: Yes.

24 THE COURT: And the Government then would be  
25 required to prove that you are guilty beyond a reasonable

1 doubt using only competent evidence before you could ever be  
2 found guilty. Understood?

3 THE DEFENDANT: Yes, I do.

4 THE COURT: And do you also understand that if you  
5 have a trial, the witnesses for the Government have to come  
6 here in court and testify in your presence?

7 THE DEFENDANT: Yes, I do.

8 THE COURT: You then, through your lawyer, of  
9 course, can cross-examine every single one of those witnesses,  
10 can object to the evidence offered by the Government and can  
11 offer evidence on your own behalf, right?

12 THE DEFENDANT: Yes, I do.

13 THE COURT: And do you understand that if you went  
14 to trial, you would have the right to subpoena and compel  
15 witnesses to come here in court and offer evidence on your own  
16 behalf?

17 THE DEFENDANT: Yes, I do.

18 THE COURT: And you, through your lawyer, would have  
19 the right to present witnesses, including character witnesses,  
20 whose testimony, when you consider all of the other evidence,  
21 could raise a reasonable doubt about your guilt, right?

22 THE DEFENDANT: Yes, I do.

23 THE COURT: Now, at a trial, while you would have  
24 the right to testify if you choose to, you also have a right  
25 not to testify. Do you understand that?

1 THE DEFENDANT: Yes, I do.

2 THE COURT: And if you choose not to testify, no  
3 inference or suggestion whatsoever of your guilt can be drawn  
4 from the fact that you choose not to testify. Understood?

5 THE DEFENDANT: Yes.

6 THE COURT: In other words, the fact that you don't  
7 testify cannot be used against you. Understood?

8 THE DEFENDANT: Yes.

9 THE COURT: Now, are you aware that if you went to  
10 trial, your lawyer can argue against the Government of the  
11 United States?

12 THE DEFENDANT: Yes.

13 THE COURT: And if you went to trial, do you  
14 understand that you could only be convicted by a jury that  
15 unanimously found you guilty? That means there would be 12  
16 people sitting over there in that box. Every single one of  
17 them would have to be convinced beyond a reasonable doubt that  
18 you're guilty before you could be convicted of these charges,  
19 do you understand that?

20 THE DEFENDANT: Yes, I do.

21 THE COURT: And, of course, if you had a trial with  
22 a judge only and no jury, the judge would have to be convinced  
23 of your guilt beyond a reasonable doubt before you could be  
24 convicted. Do you also understand that?

25 THE DEFENDANT: Yes, I do.

1           THE COURT: Now, in the absence of this guilty plea,  
2 if you chose to have a trial and if, at the trial, you were  
3 found guilty, do you understand that you would have the right  
4 to appeal the verdict to an appellate court and to do so with  
5 the help of a lawyer?

6           THE DEFENDANT: Yes.

7           THE COURT: And if you could not afford a lawyer for  
8 such an appeal, just as I've said before, a lawyer would be  
9 appointed to represent you for the appeal at no cost to you.  
10 Do you understand?

11          THE DEFENDANT: Yes, I do.

12          THE COURT: And do you also understand that an  
13 appellate court might reverse the conviction?

14          THE DEFENDANT: Yes, I do.

15          THE COURT: Now, by pleading guilty, assuming the  
16 agreement remains in place, you would be giving up your appeal  
17 from any conviction following a trial, do you understand that?

18          THE DEFENDANT: Yes, I do.

19          THE COURT: The only appeal you can take from this  
20 guilty plea if it remains in place is in a few very, very  
21 limited and rather rare circumstances. That is, if there were  
22 some reason the Government were to suddenly appeal a sentence,  
23 which, in this particular situation, would be a little odd,  
24 but if there were to be such an appeal, then you could appeal  
25 as well. In this particular configuration that you all have

1     come up with, the idea is that if I don't go along with what  
2     you're doing, either of you can walk away, in which case there  
3     is no agreement. So you understand that, right?

4             THE DEFENDANT: Yes, I do.

5             THE COURT: Okay. We'll come to, in a moment, what  
6     that means.

7             If I were to impose -- let's assume for a moment  
8     that I was able to embrace this deal you've got at least  
9     temporarily, but if later I were to impose what is considered  
10    to be an illegal or an unreasonably high feature or some other  
11    feature of your sentence, you could arguably take an appeal  
12    from that.

13            THE DEFENDANT: Yes, I understand.

14            THE COURT: But that's rather rare. Do you  
15    understand?

16            THE DEFENDANT: Yes, I do.

17            THE COURT: The point being, if this agreement  
18    remains in place, it's pretty much the end of the road in this  
19    case. Do you understand that?

20            THE DEFENDANT: Yes, I do.

21            THE COURT: The most that's going to happen today,  
22    sir, is what I'm going to tell you, that there are no  
23    guarantees that I will go along with this sentence. And what  
24    will happen is that if after I receive, as I'm going to, a lot  
25    of information -- I already know that this is woefully under

1 what the Guidelines would call for in your case, this proposed  
2 sentence which gives me great pause, so I already know that,  
3 but it could be that I learn a lot of other things when I get  
4 the presentence report that will make it even more problematic  
5 for me to accept -- ultimately accept this proposed sentence  
6 in which case you all will have accomplished something which  
7 is to delay the trial. I'm assuming that that is not what  
8 your plan is. I know it's not, frankly, but I'm just giving  
9 you a fair window into the future. If your limitation -- if I  
10 were to go along with the sentence, the incarceration side of  
11 this, your chances of taking an appeal become minute,  
12 essentially. Do you understand that?

13 THE DEFENDANT: Yes, I do.

14 THE COURT: All right. But I'm going to tell you  
15 that there is no guarantee that I will go along with this, so  
16 the most that we're going to accomplish today is you may be  
17 entering what I'm considering to be a somewhat contingent  
18 guilty plea, recognizing with all of my comments about the  
19 fact that there are no guarantees what the sentence will be  
20 and there is no guarantee that I will buy into this deal. I  
21 would, by the way, have accepted a B plea, a true  
22 recommendation, but I'm not at all keen on this effort to  
23 remove the Court's sentencing obligations where the Guidelines  
24 are already known to be considerably more than what it is  
25 you're trying to shoehorn the Court into. I'm just giving you

1 enough information to work with and make intelligent decisions  
2 here, folks, everybody. None of this should be a surprise to  
3 anyone either. I know it's not. But you've got choices  
4 because you never know, I may ultimately find it to be not  
5 horribly unacceptable, but that I'm not going to know for a  
6 great amount of time, for a couple of months. That's all I  
7 can tell you. There are no guarantees, as you know, because  
8 the actual statutory punishment for the crime referenced in  
9 Count Five is quite a bit greater than even the Guidelines and  
10 we'll come to that in a minute. For now, all I want you to  
11 understand is that if this guilty plea goes into place and  
12 stays in place, your appeal options are greatly constricted.  
13 Do you understand that part?

14 THE DEFENDANT: Yes, I do.

15 THE COURT: Okay.

16 MR. DESIMONE: Your Honor, may I explain -- he had  
17 one question. May I speak to him?

18 THE COURT: Sure, absolutely. Take all the time you  
19 need and want.

20 (Discussion off the record.)

21 MR. DESIMONE: Fine, Your Honor.

22 THE COURT: Okay.

23 MR. DESIMONE: He didn't understand one point.

24 THE COURT: No, no. Hey, if you need to take a  
25 longer break, you know, your time -- my time is your time.



1 I'm going nowhere.

2 MR. DESIMONE: We're good.

3 THE COURT: Okay. So you understand, sir, that if  
4 you plead guilty and by waiving all these various rights, you  
5 cannot later come to any court anywhere, including any appeals  
6 court, and claim you were not guilty or that your rights  
7 relating to your arrest and conviction have been violated?

8 THE DEFENDANT: Yes, I understand.

9 THE COURT: Okay. And you understand that the  
10 proposal is that you're going to plead guilty to Count Five of  
11 the Superseding Indictment, right?

12 THE DEFENDANT: Yes.

13 THE COURT: All righty, well, let's go through what  
14 we call the essential elements of the crime which is  
15 referenced in Count Five as well as the factual basis for such  
16 a plea. Is it still you, Mr. Parisi?

17 MR. PARISI: It is.

18 THE COURT: Okay.

19 MR. PARISI: Your Honor, the essential elements of  
20 Count Five are, first, that two or more persons agreed to  
21 unlawfully distribute a controlled substance, in this case,  
22 Oxycodone, outside the usual course of professional practice  
23 and not for a legitimate medical purpose; two, that the  
24 defendant was a party to or member of that agreement; and,  
25 third, that the defendant joined the agreement or conspiracy

1 knowing of its objectives and intended to join together with  
2 at least one other alleged conspirator to achieve that  
3 objective, that is, that the defendant and at least one other  
4 alleged coconspirator shared a unity of purpose and the intent  
5 to achieve that objective.

6           Shall I do the factual basis, Your Honor?

7           THE COURT: Yes, please.

8           MR. PARISI: Your Honor, if this case were to  
9 proceed to trial, the Government would have presented physical  
10 evidence as well as witness testimony. That evidence would  
11 demonstrate that between May 2014 and July of 2015, the  
12 defendant was aware that his employee H.C.'s DEA Registration  
13 Number was suspended. The defendant knew that H.C. could not  
14 issue legitimate prescriptions for controlled substances while  
15 H.C.'s registration was suspended. Nevertheless, the  
16 defendant agreed with codefendants Mitchell White, Jason  
17 Dillinger, and others to provide pre-signed prescription pads  
18 to H.C. Using the pre-signed pads provided by Mitchell White,  
19 Jason Dillinger and the defendant and others, H.C. continued  
20 seeing pain customers at Advanced Urgent Care and issuing  
21 prescriptions for Schedule II controlled substances. These  
22 prescriptions were outside the usual course of professional  
23 practice and not for a legitimate medical purpose.

24           THE COURT: Thank you. It just occurs -- let me  
25 just take a little bit of a detour for a moment. One of the

1 things I meant to raise as sort of a laundry list of  
2 ministerial or administrative or housekeeping issues was the  
3 notion of severing this case from Mr. White's case. Arguably,  
4 depending upon what happens in the next 25 minutes or  
5 thereabouts, there will be a de facto severing anyway.  
6 Understood, everyone? I'm inclined to put it in place now  
7 unless things take a different tact in a moment. So I'm just  
8 laying this foundation for you all to recognize that, you  
9 know, there's going to be a -- one way or another, there could  
10 be a severing of the two cases. Frankly, I was going to do it  
11 if there was going to be more noise or static about the  
12 representation issue, but I just want to lay that out. It  
13 occurred to me that I should have mentioned that earlier.

14           Okay, so going back to you, sir, nothing you say in  
15 response to my next several questions will be used against you  
16 if you were to decide to continue to plead not guilty, and  
17 even if at some point in the future, there were to be a  
18 withdrawal of your guilty plea because of some development,  
19 your answers to these questions will not be used against you,  
20 but for immediate purposes, do you agree that what Mr. Parisi  
21 has just told me accurately summarizes the facts?

22           THE DEFENDANT: Yes, I do.

23           THE COURT: Do you agree that what he just told me  
24 is what happened?

25           THE DEFENDANT: Yes, I do.

1 THE COURT: Do you fully admit all of those facts?

2 THE DEFENDANT: Yes, I do.

3 THE COURT: So you did what he tells me you did, is  
4 that right?

5 THE DEFENDANT: Yes, I did.

6 THE COURT: Is there anything you want to say about  
7 the facts or the things you did to describe them differently?  
8 When it is time, assuming that this goes forward today, when  
9 we get together again at the time of sentencing, you'll have  
10 another opportunity, of course, to speak to me on your own  
11 behalf, but for now, to explain the predicate, the basis on  
12 which you're moving forward, do you want to describe any of  
13 this differently than how the Government's lawyer has just  
14 explained it?

15 THE DEFENDANT: Well, I would talk about that at the  
16 time of sentence.

17 THE COURT: Okay. As long as you understand you  
18 have a full opportunity right now to describe the events as  
19 you wish if they are different from what the  
20 Government's lawyer has described for me.

21 THE DEFENDANT: Yes, I understand that.

22 THE COURT: All right. And do you understand what  
23 the Government's attorney has said in terms of the essential  
24 elements that would have to be proven if there was a trial in  
25 your case?

1 THE DEFENDANT: Yes.

2 THE COURT: We're going to talk about sentencing  
3 again in a moment, but, at this point, in terms of the factual  
4 basis with the essential elements, does anybody have anything  
5 else that you suggest the Court inquire about?

6 MR. PARISI: No, Your Honor.

7 MR. DESIMONE: No, Your Honor.

8 THE COURT: All right, thank you. Now, you  
9 understand, sir, do you not, that a -- a number of things.  
10 Number one, I don't have to go along with this sentencing idea  
11 that you all have come up with.

12 THE DEFENDANT: Yes, I understand.

13 THE COURT: All right. Now, if you persist in  
14 having a plea, a so-called C Plea, then there's no guarantee  
15 this will be the end of it because there's no guarantee I will  
16 determine really what the sentence should be, understood?

17 THE DEFENDANT: Yes.

18 THE COURT: If this is a recommendation, frankly, it  
19 would have the same appeal to me, but without the element of  
20 trying to remove the Court's obligations, but that's all for  
21 you all to have chewed on already. But in addition to the  
22 Guidelines, you know if you do get -- if somebody has said to  
23 you, Oh, well, you've already spent 43 months in jail, the  
24 judge isn't going to sentence you to much more, you could, in  
25 fact, get yourself a considerably longer sentence back in

1 jail. And if you get a longer or a tougher sentence than  
2 somebody has suggested, and if you're sent back to prison and  
3 you find prison to be even worse next time, assuming if you  
4 stick with the C Plea, assuming it's within the terms of your  
5 deal, you cannot withdraw your plea. Do you understand that?

6 THE DEFENDANT: Yes, I do understand.

7 THE COURT: And the same would go for the length or  
8 the conditions of supervised release or any kind of a fine  
9 that the Court were to impose or any other element of your  
10 sentence, do you understand that?

11 THE DEFENDANT: Yes, I do, Your Honor.

12 THE COURT: And you know that nobody can guarantee  
13 what the Court will determine is the sentence that you've  
14 really earned?

15 THE DEFENDANT: Yes, I do.

16 THE COURT: And you understand that if you do plead  
17 guilty and if I enter, at least for today's purposes, a  
18 judgment of guilty and we get together in the future and  
19 sentence you on the basis of this guilty plea after I look at,  
20 again, the Guidelines and the other applicable law and after I  
21 consider the presentence report, that's when you will actually  
22 know what sentence the Court has determined you have earned.  
23 Do you know that?

24 THE DEFENDANT: Yes, I do.

25 THE COURT: All right. I guess, Mr. Parisi, it's

1 still going to be you. Would you please state, so it's very  
2 clear on the record, what the maximum and minimum penalties  
3 are for the crime involved in Count Five.

4 MR. PARISI: Yes, Your Honor. Your Honor, the  
5 maximum penalty is 20 years imprisonment, a mandatory minimum  
6 three years up to a lifetime of supervised release, a fine of  
7 \$1 million, and \$100 special assessment.

8 THE COURT: Thank you.

9 Do you understand, sir, what Mr. Parisi just said  
10 would be the way that Congress, our elected officials, look at  
11 a crime such as yours?

12 THE DEFENDANT: Yes, I do.

13 THE COURT: Defense counsel, do you agree that  
14 that's what the statute calls for?

15 MR. DESIMONE: Yes, it is, Your Honor.

16 THE COURT: All right.

17 Now, I take it, sir, you and your lawyers have  
18 talked about the Sentencing Guidelines, is that right?

19 THE DEFENDANT: Yes.

20 THE COURT: All right. And you know that I am  
21 obliged to consider the Sentencing Guidelines which is why I  
22 asked Mr. Parisi already today what the Guidelines call for  
23 just on the basis of the quantity of drugs that are involved  
24 in your prosecution. Do you understand that?

25 THE DEFENDANT: Yes, I do.

1           THE COURT: All right. So I really still need to  
2 look at the Guidelines and no matter what anybody else thinks  
3 the Guidelines call for, it's the Court that decides what  
4 Guidelines really apply to you. Do you understand?

5           THE DEFENDANT: Yes, I do.

6           THE COURT: And I know you've gone through this with  
7 other prosecutions so you're familiar with the way the  
8 Guidelines work and you're familiar with the way pretrial --  
9 presentence reports come through from the Probation Department  
10 so none of this is new to you, is it?

11          THE DEFENDANT: No, it's not.

12          THE COURT: All right. So you know that I am going  
13 to be looking at the Sentencing Guidelines and deciding how  
14 they really should work in your case, right?

15          THE DEFENDANT: Yes, I do.

16          THE COURT: All right. And you know that according  
17 to this deal that you've worked out, the quantity of drugs are  
18 very important for purposes of figuring out how the Guidelines  
19 work. You've already agreed to the quantity of drugs, right?

20          THE DEFENDANT: Yes.

21          THE COURT: Well, I know that Mr. DeSimone has  
22 reminded you that you have, but you recognize that your deal  
23 sets out the quantity of drugs at issue, right?

24          THE DEFENDANT: Yes, I do.

25          THE COURT: All right. Now, you know from your



1 prior experience and I'm telling you again that even if you do  
2 not like what is in the presentence report, then even if you  
3 disagree with it, assuming that I buy into this range that you  
4 all have worked out, the fact you don't like the report  
5 doesn't mean you can withdraw your guilty plea. Do you  
6 understand?

7 THE DEFENDANT: Yes, I do.

8 THE COURT: All right. And on that basis, you can't  
9 change your plea from guilty to not guilty just because you  
10 don't like what's in the report. Understood?

11 THE DEFENDANT: Yes, I do.

12 THE COURT: Okay. Now you've been on supervision  
13 before, right?

14 THE DEFENDANT: Yes, I have.

15 THE COURT: And you know that if you commit another  
16 crime while -- well, first of all, you know that supervision  
17 will be put into place as part of your sentence in this case  
18 under any circumstances.

19 THE DEFENDANT: Yes.

20 THE COURT: Understood?

21 THE DEFENDANT: Yes. Yes, I do.

22 THE COURT: All right, and there will be conditions  
23 on supervision and if you break any of those conditions and  
24 you're found to have violated supervised release, then you get  
25 sent back -- you are sent back to prison to serve even more

1 time. Do you understand that?

2 THE DEFENDANT: Yes, I do.

3 THE COURT: All right. And you know that parole has  
4 been abolished in the federal system. You will not be  
5 released on parole if you go back to prison in any case, do  
6 you understand that?

7 THE DEFENDANT: Yes, I do.

8 THE COURT: And because you have a record of prior  
9 convictions, that has the effect under the Guidelines system  
10 that even beyond the question of the quantity of drugs, your  
11 prior convictions also go into the way the Guidelines work in  
12 your case. Now, I don't know, Mr. Parisi, if your answer to  
13 my question about how the Guidelines relate to this case  
14 included the criminal history.

15 MR. PARISI: It did, Your Honor, and that was --

16 THE COURT: Okay. Well, that is fortunate that it  
17 did.

18 MR. PARISI: And that was my hesitation. I know the  
19 weight got us a level lower, but the conviction pushed us up  
20 one and I couldn't recall the range.

21 THE COURT: Yes, I just wanted to make sure that the  
22 defendant is appreciative of the fact that the Guidelines that  
23 we're talking about here operate in part because you've got a  
24 record of prior convictions, right?

25 THE DEFENDANT: Yes.

1 THE COURT: Do you understand that?

2 THE DEFENDANT: Yes, I do.

3 THE COURT: It also means that if you're convicted  
4 here and at some point you get in trouble in the future, this  
5 conviction that remains in place will be figured into any  
6 punishment for a future crime.

7 THE DEFENDANT: Yes.

8 THE COURT: And your punishment for a future crime  
9 will be made even more severe because of this conviction, do  
10 you understand that?

11 THE DEFENDANT: Yes, I do.

12 THE COURT: Now, you understand that at the time of  
13 sentencing, you and your lawyer and the Government's lawyer  
14 can in practice seem melodiously together and you can come  
15 here and tell me the same thing. I do not have to go along  
16 with what the lawyers all say to me. Understood?

17 THE DEFENDANT: Yes, I do.

18 THE COURT: And you know that your professional  
19 licensing situation is extremely problematic and it is a  
20 virtual certainty, one would think, that you will never have  
21 an active medical license again anywhere, understood?

22 THE DEFENDANT: Yes, I do.

23 THE COURT: So, in summary, you've talked with your  
24 lawyers about the charges against you, you know your right to  
25 continue to contest them, you know the fact of this plea may

1 or may not carry the day when we get together at the time of  
2 sentencing, and, frankly, I just want you -- I fully want you  
3 to understand that to the extent you decide to plead guilty  
4 today, I understand and I know you understand that it is a  
5 plea that you may ultimately decide to withdraw because the  
6 Court's not going to go along with this deal. I cannot tell  
7 you sitting here today with any truth that I'm going to buy  
8 into this, and the reason is, as the lawyers know, I'm not  
9 going to be shoehorned into sentencing somebody until I have a  
10 full story, period. End of my speech on this topic. Why I  
11 have to repeat it again, I cannot fathom. So this may not be  
12 the end, but you have, in fact, bought yourself some more  
13 time.

14 All right, so having heard from me, sir, what your  
15 rights are if you continue to plead not guilty and knowing  
16 that we'll start trial on Monday and you know what might  
17 happen if you do plead guilty, do you still want to give up  
18 your right to a trial and plead guilty or do you want to talk  
19 to your lawyer some more?

20 MR. DESIMONE: He didn't hear what you said, Judge.

21 THE COURT: What?

22 MR. DESIMONE: He wasn't -- he didn't hear what you  
23 said. He was thinking of something. Would Your Honor repeat  
24 that?

25 THE COURT: Sure. Having heard from me what your

1 rights are if you continue to plead not guilty and what might  
2 happen if you do plead guilty today, recognizing there are no  
3 guarantees, do you still want to give up your right to a trial  
4 starting Monday and plead guilty here today?

5 THE DEFENDANT: Yes, I do.

6 THE COURT: Okay. Has anybody threatened you,  
7 coerced you or forced you in any way to do this?

8 THE DEFENDANT: No.

9 THE COURT: And you know the only plea agreement  
10 you've got is the one I've been told about that I have already  
11 commented on here today at some length?

12 THE DEFENDANT: Yes.

13 THE COURT: Okay. So why do you want to do this?

14 THE DEFENDANT: I think this is the best for my  
15 family to bring -- to bring peace to my family.

16 THE COURT: Well, what if they wanted you to do what  
17 you thought was right?

18 THE DEFENDANT: This is what they wanted me to do.

19 THE COURT: Okay, what about you?

20 THE DEFENDANT: That's what I want to do, too.

21 THE COURT: But why?

22 THE DEFENDANT: Just to bring end to this nightmare.

23 THE COURT: It might not be the end, though, sir.

24 THE DEFENDANT: It might be better than -- it might  
25 be the best for my family's interests.

1           THE COURT: Well, let me ask you this. Is it your  
2 intention to plead guilty because you are, in fact, guilty of  
3 Count Five?

4           THE DEFENDANT: Yes, I am.

5           THE COURT: That's a much more straightforward way  
6 of answering my question, is it not, in a question about your  
7 guilt?

8           THE DEFENDANT: Well, it's -- what?

9           THE COURT: Again, if you end up withdrawing your  
10 guilty plea, none of this will crop up again.

11          THE DEFENDANT: I understand.

12          THE COURT: So you originally pled not guilty to  
13 these charges. You now wish to change your plea, is that  
14 right?

15          THE DEFENDANT: Yes, I do.

16          THE COURT: And is that decision being made of your  
17 own free will?

18          THE DEFENDANT: Yes, it is.

19          THE COURT: And you've discussed it thoroughly with  
20 your lawyers, is that right?

21          THE DEFENDANT: Yes, I did.

22          THE COURT: Okay. Let me ask some questions of the  
23 lawyers. Do either or any of you have any doubt as to the  
24 defendant's competence to change and enter a plea here today?

25          MR. DESIMONE: None whatsoever, Your Honor.

1 MR. PARISI: No, Your Honor.

2 THE COURT: Are you sure that his willingness to  
3 plead guilty is completely voluntary?

4 MR. DESIMONE: Yes, Your Honor.

5 MR. PARISI: Yes, Your Honor.

6 THE COURT: Are you satisfied that a plea is being  
7 made only on the basis of this Plea Agreement which is,  
8 frankly, as I have in shorthand described it, a plea here  
9 would be rather contingent depending upon the Court's  
10 evaluation of the Court's obligations to the people of the  
11 United States as well as to the defendant in the future?

12 MR. DESIMONE: Yes, Your Honor.

13 MR. PARISI: Yes, Your Honor.

14 THE COURT: Are you satisfied that a plea here today  
15 is being made with a full understanding by the defendant of  
16 the nature of the charges, the maximum possible penalties, at  
17 least as you think you've worked it out, and his legal right  
18 to contest -- to continue to contest the charges?

19 MR. DESIMONE: Yes, Your Honor.

20 MR. PARISI: Yes, Your Honor.

21 THE COURT: Are you satisfied there's a full factual  
22 basis for the plea?

23 MR. DESIMONE: Yes, Your Honor.

24 MR. PARISI: Yes, Your Honor.

25 THE COURT: All right, thank you very much.

1 Recognizing, sir, it is not by any means certain what the  
2 Court will do, so my willingness to accept your plea is, as I  
3 said, contingent upon your right and the Government's right to  
4 withdraw any assent to this deal that you think you've worked  
5 out. So if, in fact, after I look at all the information I am  
6 obliged to look at I cannot accept this, then you'll have a  
7 chance to revisit the issue completely, all right? But for  
8 now, as long as you understand that and what you're doing,  
9 it's fine with me if you want to stand up and we'll take your  
10 plea to the charges in Count Five, recognizing that this is  
11 only a contingent matter reflecting possible future changes.

12 THE DEFENDANT: I understand.

13 THE COURT: Okay.

14 THE DEPUTY CLERK: Mehdi Nikparvar-Fard, you have  
15 heretofore pled not guilty to Superseding Indictment Number  
16 18-101-1, charging you with Count One, conspiracy to  
17 distribute a controlled substance, in violation of Title 21,  
18 United States Code, Section 846.

19 As to Count Five of the Superseding Indictment, how  
20 do you plead now, guilty or not guilty?

21 THE DEFENDANT: Guilty.

22 THE COURT: And are you pleading guilty because you  
23 are, in fact, guilty as charged?

24 THE DEFENDANT: Yes, I am.

25 THE COURT: All right, it is not simply because you



1 think this is better for your family, is that right?

2 THE DEFENDANT: I do.

3 THE COURT: That you're really guilty?

4 THE DEFENDANT: Yes, I am.

5 THE COURT: And you know that we could be -- you  
6 could be revisiting this in a couple of months when we get  
7 together again at the time of sentencing?

8 THE DEFENDANT: Yes, I do.

9 THE COURT: All right. Well, this document will be  
10 made part of the record. The related papers are made part of  
11 the record as well.

12 It is the finding of the Court in the case of United  
13 States of America versus Mehdi Nikparvar-Fard, Criminal Action  
14 Number 18-101, that for today's purposes and today's purposes  
15 only, awaiting the full presentation to the Court of the  
16 issues pertinent to actually sentencing this defendant, that I  
17 do find, though, the defendant is fully alert, competent and  
18 capable of entering a plea here today contingent, though, it  
19 is, on any future developments, because in that respect, this  
20 is an informed decision here today so I do find it is an  
21 informed plea.

22 Second, I find that this action by the defendant is  
23 knowing, it's voluntary, and it is intelligently made. It is  
24 not the result of ignorance, fear, inadvertence, force, or  
25 threats or any promises apart from the Plea Agreement and the

1 Court's representations and explanations. All of that has  
2 been disclosed repeatedly on the record here today.

3 Third, I find that there is an independent basis in  
4 fact for the plea at this juncture.

5 Fourth, I find that the defendant has admitted the  
6 facts that prove the essential elements attendant to Count  
7 Five of the Superseding Indictment to which he has entered a  
8 plea here today.

9 Fifth, I find that he understands those charges, he  
10 understands his legal rights, and he understands the  
11 possibilities of sentencing in the future.

12 Sixth, I find that he understands that he is waiving  
13 his right to start a trial on Monday, and I find that his  
14 waiver of his other constitutional and statutory rights,  
15 including his right to pursue a direct or an indirect appeal,  
16 is knowing, is voluntary, and will not result in any  
17 miscarriage of justice so I do accept the plea in its  
18 characteristics as we've discussed at length here today and  
19 you are for today's purposes and the immediate future adjudged  
20 guilty of the offense charged in Count Five of the Superseding  
21 Indictment. You may sit down.

22 I don't know if somebody wants me to configure this  
23 in some other fashion, but this is the posture with which I  
24 have addressed this issue before, because I know the  
25 Government's lawyers have done their research and that they

1 know this is my approach, and you knew coming into it that it  
2 would be, and I'm sure that the defense lawyers were shared --  
3 it was shared with them and I'm sure they shared that with the  
4 defendant. So the only person that -- never mind. So none of  
5 this should be a surprise to anybody, but does anybody want me  
6 to describe it differently than I have?

7 MR. DESIMONE: No, Your Honor.

8 MR. PARISI: No, Your Honor.

9 THE COURT: Okay. I am going to order a presentence  
10 investigation report from the Probation Department. By the  
11 way, I've been told that the defendant has, in fact, comported  
12 himself in full compliance with the pretrial release  
13 conditions. I imagine that will remain true, and if he  
14 doesn't, it's a problem. The investigation report will be  
15 done by the Probation Department. They have a lot of material  
16 they've already got in place with respect to you and your  
17 family, but I want you to cooperate, sir -- you don't have to,  
18 but I certainly recommend it -- with the presentence  
19 investigating officer whose job it is to prepare that report.  
20 Your lawyers may be present if you wish when you give  
21 information to the probation officer. You and your lawyer  
22 will have the opportunity to read and comment on the report  
23 before we get together at the time of sentencing. In my view,  
24 it is only my view, it's not a matter of law, I think it's a  
25 good idea if you get together face to face with your lawyers

1 and go over the report when you get it. If there are any  
2 problems or objections you've got to the report, you are  
3 obliged, as is the Government, to tell each other in writing  
4 as well as the Presentence Investigation Office in writing if  
5 there are objections and you have to do that within 14 days of  
6 getting the report. So I recommend that you not delay in  
7 reviewing it. If you wait longer than the two weeks to file  
8 objections, then you give up the right to make them.

9 All right, sentencing in this case is set for  
10 April 21st, 2023, at ten in the morning, here in Courtroom  
11 10B. Sentencing memoranda, that is plural, meaning I expect  
12 one memo from the Government and one memo from the defense so  
13 that I have it, each one in hard copy, no later than one full  
14 seven-day calendar week before sentencing. That means by  
15 April 14th close of business.

16 Because there have been no issues reported, thank  
17 goodness for everybody, the defendant can remain on  
18 pre-sentence release unless there's some issue I've not been  
19 told about.

20 MR. PARISI: No, Your Honor. We confirmed with Mr.  
21 Meissler this morning. He confirmed.

22 THE COURT: I would like to know if there's  
23 information if he's aware of the drug stash.

24 MR. PARISI: That I'm not aware, but --

25 THE COURT: I don't mean stash in a technical sense,

1 but --

2 MR. PARISI: -- we will inquire.

3 THE COURT: Mr. Coyle.

4 (Discussion held off the record.)

5 THE COURT: Ah, okay. Well, it appears -- I'm going  
6 to add a particular condition to pre-sentence release and that  
7 is to have drug testing undertaken. Apparently, the Pretrial  
8 Services officer was unaware of the medications being  
9 administered to by the defendant himself.

10 THE DEFENDANT: Well, I have two probation officers.  
11 I have one, Mr. Meissler.

12 THE COURT: I know. He says he didn't know anything  
13 --

14 THE DEFENDANT: The second one is the one from my  
15 previous crime. Both of them are working together. And I  
16 e-mailed him the Pretrial and he received it.

17 THE COURT: Who's the he?

18 THE DEFENDANT: I forget his name, but I have it in  
19 my e-mail address. I can send the e-mail I sent to him.

20 THE COURT: All I'm saying is that Mr. Meissler is  
21 unaware of it because there's no drug testing so he doesn't  
22 know about it. Right.

23 (Discussion with Deputy Clerk off the record.)

24 THE COURT: Are you currently administered drug  
25 tests periodically?

1 THE DEFENDANT: No.

2 THE COURT: Okay. I'm adding that condition.

3 That's all. And if you're running out of your antidepressant  
4 and anxiety meds, you'd better have a licensed practicing  
5 physician prescribing it for you who actually sees you in  
6 person before you take any more of the collection of drugs  
7 that you have runs out.

8 THE DEFENDANT: Yes, I understand.

9 THE COURT: Which, as I understand it, should be  
10 pretty darn soon in a few days.

11 THE DEFENDANT: Yes. Yes.

12 THE COURT: Understood?

13 THE DEFENDANT: Yes.

14 THE COURT: Would you please have the first drug  
15 test administered within the next seven days and then upon a  
16 monthly basis thereafter. Random.

17 MR. DESIMONE: Question, Your Honor.

18 THE COURT: Yes.

19 MR. DESIMONE: I imagine if he has to report, does  
20 he have to report to Pretrial Services, but since he's --

21 THE COURT: Now he's not pretrial.

22 MR. DESIMONE: I mean post trial. Probation, I  
23 meant. I don't mean Pretrial. Excuse my voice.

24 THE COURT: That's okay.

25 MR. DESIMONE: I don't think so.

1 THE COURT: Well, I think he probably does in some  
2 fashion.

3 MR. DESIMONE: Somehow, but I think they're closed  
4 today, Judge. I mean it's 5 o'clock.

5 THE COURT: It's 5 of 5. They've been closed for a  
6 while I'm sure.

7 MR. DESIMONE: Yeah, okay. So if he has to, he  
8 can --

9 (Discussion off the record.)

10 THE COURT: Checking in with the Marshal will be  
11 satisfactory today.

12 MR. DESIMONE: Today.

13 THE COURT: Yes.

14 MR. DESIMONE: Go down to see the Marshal today?

15 THE COURT: Yes.

16 MR. DESIMONE: All right.

17 THE COURT: But I'm putting in place the condition  
18 about drug testing.

19 MR. DESIMONE: All right.

20 THE COURT: And I have an absolute requirement that  
21 any future prescriptions, which I would expect needs to be put  
22 into place in the next, I'm just -- I'm assuming the  
23 truthfulness of what I've been told. There's got to be a  
24 licensed physician before there's any more of this medication  
25 given or made available directly or indirectly to the

1 defendant. Is everybody tracking here?

2 MR. DESIMONE: Yes, Your Honor.

3 THE DEFENDANT: Yes.

4 THE COURT: You don't get to use your family's meds.

5 THE DEFENDANT: Yes.

6 THE COURT: Yes, you do understand or, yes, you do  
7 use your family's meds?

8 THE DEFENDANT: I understand.

9 THE COURT: Okay. This would not be the time to  
10 start trying to figure out a way to get around what I'm  
11 saying.

12 THE DEFENDANT: I understand.

13 THE COURT: Okay. Anything else from anybody?

14 ALL COUNSEL: No, Your Honor.

15 THE COURT: Can I have my book back?

16 MR. PARISI: Yes, Your Honor.

17 THE COURT: Have a good weekend, everybody.

18 MR. DESIMONE: Your Honor, can we speak to the  
19 defendant before we take him down?

20 THE COURT: What?

21 MR. DESIMONE: May we speak to --

22 THE COURT: Oh, sure, you're a taxpayer. The  
23 room's yours.

24 MR. DESIMONE: Thank you, Judge.

25 MR. PARISI: Judge, may I approach?



1 THE COURT: Yes.

2 MR. PARISI: Thank you.

3 THE COURT: As I understand it, the Cornerstone  
4 people are here. They're wired for whatever for Monday.

5 (Court adjourned)

6  
7 C E R T I F I C A T E

8 I certify that the foregoing is a correct transcript  
9 from the record of the proceedings in the above-entitled  
10 matter.

11

12

13

*Kathleen Feldman*

14

Kathleen Feldman, CSR, CRR, RPR, CM  
Official Court Reporter

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16 Date: 3/9/2023

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<b>\$100</b> [2] - 27:23, 47:7	<b>5</b> [3] - 63:4, 63:5 <b>53</b> [1] - 15:5	<b>42:5</b> <b>acknowledges</b> [1] - 10:21 <b>Acknowledgment</b> [2] - 30:20, 30:22 <b>acknowledgment</b> [1] - 31:9 <b>Act</b> [1] - 23:4 <b>Action</b> [1] - 57:13 <b>ACTION</b> [1] - 1:3 <b>action</b> [1] - 57:22 <b>active</b> [1] - 51:21 <b>actual</b> [1] - 40:8 <b>add</b> [2] - 8:2, 61:6 <b>addiction</b> [1] - 21:10 <b>adding</b> [1] - 62:2 <b>addition</b> [1] - 45:21 <b>address</b> [6] - 4:16, 5:12, 6:24, 15:6, 29:23, 61:19 <b>addressed</b> [1] - 58:24 <b>adjourned</b> [1] - 65:5 <b>adjudged</b> [1] - 58:19 <b>administered</b> [3] - 61:9, 61:24, 62:15 <b>administrative</b> [1] - 43:2 <b>admit</b> [1] - 44:1 <b>admitted</b> [1] - 58:5 <b>Advanced</b> [1] - 42:20 <b>advantage</b> [1] - 32:11 <b>advice</b> [3] - 6:25, 7:21, 23:19 <b>advise</b> [1] - 6:19 <b>advisory</b> [1] - 9:22 <b>afford</b> [3] - 22:9, 23:5, 37:7 <b>afternoon</b> [8] - 2:3, 2:12, 2:15, 2:18, 2:19, 2:20, 8:21, 10:25 <b>Agent</b> [1] - 2:16 <b>ago</b> [3] - 18:21, 18:23, 18:25 <b>agree</b> [8] - 8:19, 8:21, 8:22, 27:12, 29:21, 43:20, 43:23, 47:13 <b>agreed</b> [3] - 41:20, 42:16, 48:19 <b>Agreement</b> [15] - 11:14, 26:23, 27:19, 29:5, 29:12, 29:17, 30:3, 30:8, 30:11, 30:19, 30:21, 31:21, 31:25, 55:7, 57:25 <b>agreement</b> [8] - 8:8, 31:8, 37:16, 38:3, 38:17, 41:24, 41:25,	<b>6</b> <b>6</b> [1] - 1:8 <b>601</b> [1] - 1:23 <b>615</b> [1] - 1:14 <b>6th</b> [1] - 7:6	<b>53:9</b> <b>agreements</b> [1] - 30:6 <b>agrees</b> [1] - 7:16 <b>ahead</b> [2] - 10:14, 10:20 <b>al</b> [1] - 2:10 <b>alcohol</b> [1] - 21:9 <b>alcoholic</b> [1] - 21:5 <b>alert</b> [1] - 57:17 <b>ALL</b> [2] - 2:3, 64:14 <b>allegation</b> [1] - 11:9 <b>alleged</b> [3] - 11:6, 42:2, 42:4 <b>allowed</b> [1] - 18:1 <b>almost</b> [1] - 16:14 <b>alone</b> [2] - 9:11, 34:12 <b>America</b> [2] - 2:9, 57:13 <b>AMERICA</b> [1] - 1:3 <b>American</b> [1] - 25:21 <b>amin</b> [1] - 21:25 <b>Amin</b> [2] - 22:2, 22:3 <b>Amin's</b> [1] - 22:5 <b>amount</b> [2] - 27:20, 40:6 <b>Ann</b> [1] - 2:24 <b>ANN</b> [1] - 1:19 <b>answer</b> [5] - 13:3, 13:16, 13:22, 31:6, 50:12 <b>answering</b> [1] - 54:6 <b>answers</b> [6] - 3:18, 13:1, 13:3, 13:12, 13:17, 43:19 <b>anticipating</b> [3] - 4:7, 4:21, 4:22 <b>anticipation</b> [1] - 2:8 <b>antidepressant</b> [1] - 62:3 <b>anxiety</b> [6] - 18:16, 18:25, 20:14, 20:18, 21:11, 62:4 <b>anyway</b> [2] - 7:13, 43:5 <b>apart</b> [1] - 57:25 <b>apologize</b> [1] - 27:18 <b>appeal</b> [14] - 33:2, 37:4, 37:8, 37:9, 37:16, 37:19, 37:22, 37:24, 38:11, 39:11, 40:12, 45:19, 58:15 <b>appeals</b> [1] - 41:5 <b>appear</b> [2] - 21:15, 22:10 <b>appearance</b> [1] - 5:7 <b>APPEARANCES</b> [1] - 1:11 <b>appellate</b> [3] - 29:10,	<b>37:4, 37:13</b> <b>applicable</b> [1] - 46:20 <b>application</b> [1] - 4:14 <b>applications</b> [2] - 4:7, 33:23 <b>apply</b> [2] - 28:25, 48:4 <b>appointed</b> [2] - 23:6, 37:9 <b>appointment</b> [1] - 23:4 <b>appreciative</b> [1] - 50:22 <b>approach</b> [5] - 25:24, 28:13, 30:14, 59:1, 64:25 <b>April</b> [2] - 60:10, 60:15 <b>arguably</b> [2] - 38:11, 43:3 <b>argue</b> [4] - 28:9, 28:22, 28:23, 36:10 <b>argued</b> [1] - 5:24 <b>arguments</b> [1] - 33:1 <b>arise</b> [1] - 11:6 <b>Armani</b> [1] - 11:21 <b>arrangement</b> [1] - 4:25 <b>arrest</b> [2] - 33:9, 41:7 <b>arrested</b> [2] - 32:21, 32:23 <b>articulate</b> [1] - 3:6 <b>assent</b> [1] - 56:4 <b>assessment</b> [2] - 27:23, 47:7 <b>assistants</b> [1] - 1:13 <b>assume</b> [2] - 13:12, 38:7 <b>assuming</b> [9] - 23:7, 32:18, 37:15, 39:7, 44:8, 46:3, 46:4, 49:3, 63:22 <b>assurances</b> [1] - 31:24 <b>attached</b> [1] - 30:19 <b>attendance</b> [1] - 2:11 <b>attendant</b> [1] - 58:6 <b>ATTORNEY</b> [1] - 1:11 <b>attorney</b> [2] - 26:21, 44:23 <b>Attorney</b> [1] - 1:13 <b>available</b> [1] - 63:25 <b>awaiting</b> [1] - 57:15 <b>aware</b> [7] - 9:7, 9:8, 28:23, 36:9, 42:12, 60:23, 60:24
<b>'96</b> [1] - 17:7	<b>7</b> <b>7</b> [1] - 29:11 <b>72</b> [1] - 29:7 <b>779-5578</b> [1] - 1:24	<b>42:5</b> <b>acknowledges</b> [1] - 10:21 <b>Acknowledgment</b> [2] - 30:20, 30:22 <b>acknowledgment</b> [1] - 31:9 <b>Act</b> [1] - 23:4 <b>Action</b> [1] - 57:13 <b>ACTION</b> [1] - 1:3 <b>action</b> [1] - 57:22 <b>active</b> [1] - 51:21 <b>actual</b> [1] - 40:8 <b>add</b> [2] - 8:2, 61:6 <b>addiction</b> [1] - 21:10 <b>adding</b> [1] - 62:2 <b>addition</b> [1] - 45:21 <b>address</b> [6] - 4:16, 5:12, 6:24, 15:6, 29:23, 61:19 <b>addressed</b> [1] - 58:24 <b>adjourned</b> [1] - 65:5 <b>adjudged</b> [1] - 58:19 <b>administered</b> [3] - 61:9, 61:24, 62:15 <b>administrative</b> [1] - 43:2 <b>admit</b> [1] - 44:1 <b>admitted</b> [1] - 58:5 <b>Advanced</b> [1] - 42:20 <b>advantage</b> [1] - 32:11 <b>advice</b> [3] - 6:25, 7:21, 23:19 <b>advise</b> [1] - 6:19 <b>advisory</b> [1] - 9:22 <b>afford</b> [3] - 22:9, 23:5, 37:7 <b>afternoon</b> [8] - 2:3, 2:12, 2:15, 2:18, 2:19, 2:20, 8:21, 10:25 <b>Agent</b> [1] - 2:16 <b>ago</b> [3] - 18:21, 18:23, 18:25 <b>agree</b> [8] - 8:19, 8:21, 8:22, 27:12, 29:21, 43:20, 43:23, 47:13 <b>agreed</b> [3] - 41:20, 42:16, 48:19 <b>Agreement</b> [15] - 11:14, 26:23, 27:19, 29:5, 29:12, 29:17, 30:3, 30:8, 30:11, 30:19, 30:21, 31:21, 31:25, 55:7, 57:25 <b>agreement</b> [8] - 8:8, 31:8, 37:16, 38:3, 38:17, 41:24, 41:25,	<b>6</b> <b>6</b> [1] - 1:8 <b>601</b> [1] - 1:23 <b>615</b> [1] - 1:14 <b>6th</b> [1] - 7:6	<b>53:9</b> <b>agreements</b> [1] - 30:6 <b>agrees</b> [1] - 7:16 <b>ahead</b> [2] - 10:14, 10:20 <b>al</b> [1] - 2:10 <b>alcohol</b> [1] - 21:9 <b>alcoholic</b> [1] - 21:5 <b>alert</b> [1] - 57:17 <b>ALL</b> [2] - 2:3, 64:14 <b>allegation</b> [1] - 11:9 <b>alleged</b> [3] - 11:6, 42:2, 42:4 <b>allowed</b> [1] - 18:1 <b>almost</b> [1] - 16:14 <b>alone</b> [2] - 9:11, 34:12 <b>America</b> [2] - 2:9, 57:13 <b>AMERICA</b> [1] - 1:3 <b>American</b> [1] - 25:21 <b>amin</b> [1] - 21:25 <b>Amin</b> [2] - 22:2, 22:3 <b>Amin's</b> [1] - 22:5 <b>amount</b> [2] - 27:20, 40:6 <b>Ann</b> [1] - 2:24 <b>ANN</b> [1] - 1:19 <b>answer</b> [5] - 13:3, 13:16, 13:22, 31:6, 50:12 <b>answering</b> [1] - 54:6 <b>answers</b> [6] - 3:18, 13:1, 13:3, 13:12, 13:17, 43:19 <b>anticipating</b> [3] - 4:7, 4:21, 4:22 <b>anticipation</b> [1] - 2:8 <b>antidepressant</b> [1] - 62:3 <b>anxiety</b> [6] - 18:16, 18:25, 20:14, 20:18, 21:11, 62:4 <b>anyway</b> [2] - 7:13, 43:5 <b>apart</b> [1] - 57:25 <b>apologize</b> [1] - 27:18 <b>appeal</b> [14] - 33:2, 37:4, 37:8, 37:9, 37:16, 37:19, 37:22, 37:24, 38:11, 39:11, 40:12, 45:19, 58:15 <b>appeals</b> [1] - 41:5 <b>appear</b> [2] - 21:15, 22:10 <b>appearance</b> [1] - 5:7 <b>APPEARANCES</b> [1] - 1:11 <b>appellate</b> [3] - 29:10,	<b>37:4, 37:13</b> <b>applicable</b> [1] - 46:20 <b>application</b> [1] - 4:14 <b>applications</b> [2] - 4:7, 33:23 <b>apply</b> [2] - 28:25, 48:4 <b>appointed</b> [2] - 23:6, 37:9 <b>appointment</b> [1] - 23:4 <b>appreciative</b> [1] - 50:22 <b>approach</b> [5] - 25:24, 28:13, 30:14, 59:1, 64:25 <b>April</b> [2] - 60:10, 60:15 <b>arguably</b> [2] - 38:11, 43:3 <b>argue</b> [4] - 28:9, 28:22, 28:23, 36:10 <b>argued</b> [1] - 5:24 <b>arguments</b> [1] - 33:1 <b>arise</b> [1] - 11:6 <b>Armani</b> [1] - 11:21 <b>arrangement</b> [1] - 4:25 <b>arrest</b> [2] - 33:9, 41:7 <b>arrested</b> [2] - 32:21, 32:23 <b>articulate</b> [1] - 3:6 <b>assent</b> [1] - 56:4 <b>assessment</b> [2] - 27:23, 47:7 <b>assistants</b> [1] - 1:13 <b>assume</b> [2] - 13:12, 38:7 <b>assuming</b> [9] - 23:7, 32:18, 37:15, 39:7, 44:8, 46:3, 46:4, 49:3, 63:22 <b>assurances</b> [1] - 31:24 <b>attached</b> [1] - 30:19 <b>attendance</b> [1] - 2:11 <b>attendant</b> [1] - 58:6 <b>ATTORNEY</b> [1] - 1:11 <b>attorney</b> [2] - 26:21, 44:23 <b>Attorney</b> [1] - 1:13 <b>available</b> [1] - 63:25 <b>awaiting</b> [1] - 57:15 <b>aware</b> [7] - 9:7, 9:8, 28:23, 36:9, 42:12, 60:23, 60:24
<b>1</b>	<b>7</b> <b>7</b> [1] - 29:11 <b>72</b> [1] - 29:7 <b>779-5578</b> [1] - 1:24	<b>42:5</b> <b>acknowledges</b> [1] - 10:21 <b>Acknowledgment</b> [2] - 30:20, 30:22 <b>acknowledgment</b> [1] - 31:9 <b>Act</b> [1] - 23:4 <b>Action</b> [1] - 57:13 <b>ACTION</b> [1] - 1:3 <b>action</b> [1] - 57:22 <b>active</b> [1] - 51:21 <b>actual</b> [1] - 40:8 <b>add</b> [2] - 8:2, 61:6 <b>addiction</b> [1] - 21:10 <b>adding</b> [1] - 62:2 <b>addition</b> [1] - 45:21 <b>address</b> [6] - 4:16, 5:12, 6:24, 15:6, 29:23, 61:19 <b>addressed</b> [1] - 58:24 <b>adjourned</b> [1] - 65:5 <b>adjudged</b> [1] - 58:19 <b>administered</b> [3] - 61:9, 61:24, 62:15 <b>administrative</b> [1] - 43:2 <b>admit</b> [1] - 44:1 <b>admitted</b> [1] - 58:5 <b>Advanced</b> [1] - 42:20 <b>advantage</b> [1] - 32:11 <b>advice</b> [3] - 6:25, 7:21, 23:19 <b>advise</b> [1] - 6:19 <b>advisory</b> [1] - 9:22 <b>afford</b> [3] - 22:9, 23:5, 37:7 <b>afternoon</b> [8] - 2:3, 2:12, 2:15, 2:18, 2:19, 2:20, 8:21, 10:25 <b>Agent</b> [1] - 2:16 <b>ago</b> [3] - 18:21, 18:23, 18:25 <b>agree</b> [8] - 8:19, 8:21, 8:22, 27:12, 29:21, 43:20, 43:23, 47:13 <b>agreed</b> [3] - 41:20, 42:16, 48:19 <b>Agreement</b> [15] - 11:14, 26:23, 27:19, 29:5, 29:12, 29:17, 30:3, 30:8, 30:11, 30:19, 30:21, 31:21, 31:25, 55:7, 57:25 <b>agreement</b> [8] - 8:8, 31:8, 37:16, 38:3, 38:17, 41:24, 41:25,	<b>6</b> <b>6</b> [1] - 1:8 <b>601</b> [1] - 1:23 <b>615</b> [1] - 1:14 <b>6th</b> [1] - 7:6	<b>53:9</b> <b>agreements</b> [1] - 30:6 <b>agrees</b> [1] - 7:16 <b>ahead</b> [2] - 10:14, 10:20 <b>al</b> [1] - 2:10 <b>alcohol</b> [1] - 21:9 <b>alcoholic</b> [1] - 21:5 <b>alert</b> [1] - 57:17 <b>ALL</b> [2] - 2:3, 64:14 <b>allegation</b> [1] - 11:9 <b>alleged</b> [3] - 11:6, 42:2, 42:4 <b>allowed</b> [1] - 18:1 <b>almost</b> [1] - 16:14 <b>alone</b> [2] - 9:11, 34:12 <b>America</b> [2] - 2:9, 57:13 <b>AMERICA</b> [1] - 1:3 <b>American</b> [1] - 25:21 <b>amin</b> [1] - 21:25 <b>Amin</b> [2] - 22:2, 22:3 <b>Amin's</b> [1] - 22:5 <b>amount</b> [2] - 27:20, 40:6 <b>Ann</b> [1] - 2:24 <b>ANN</b> [1] - 1:19 <b>answer</b> [5] - 13:3, 13:16, 13:22, 31:6, 50:12 <b>answering</b> [1] - 54:6 <b>answers</b> [6] - 3:18, 13:1, 13:3, 13:12, 13:17, 43:19 <b>anticipating</b> [3] - 4:7, 4:21, 4:22 <b>anticipation</b> [1] - 2:8 <b>antidepressant</b> [1] - 62:3 <b>anxiety</b> [6] - 18:16, 18:25, 20:14, 20:18, 21:11, 62:4 <b>anyway</b> [2] - 7:13, 43:5 <b>apart</b> [1] - 57:25 <b>apologize</b> [1] - 27:18 <b>appeal</b> [14] - 33:2, 37:4, 37:8, 37:9, 37:16, 37:19, 37:22, 37:24, 38:11, 39:11, 40:12, 45:19, 58:15 <b>appeals</b> [1] - 41:5 <b>appear</b> [2] - 21:15, 22:10 <b>appearance</b> [1] - 5:7 <b>APPEARANCES</b> [1] - 1:11 <b>appellate</b> [3] - 29:10,	<b>37:4, 37:13</b> <b>applicable</b> [1] - 46:20 <b>application</b> [1] - 4:14 <b>applications</b> [2] - 4:7, 33:23 <b>apply</b> [2] - 28:25, 48:4 <b>appointed</b> [2] - 23:6, 37:9 <b>appointment</b> [1] - 23:4 <b>appreciative</b> [1] - 50:22 <b>approach</b> [5] - 25:24, 28:13, 30:14, 59:1, 64:25 <b>April</b> [2] - 60:10, 60:15 <b>arguably</b> [2] - 38:11, 43:3 <b>argue</b> [4] - 28:9, 28:22, 28:23, 36:10 <b>argued</b> [1] - 5:24 <b>arguments</b> [1] - 33:1 <b>arise</b> [1] - 11:6 <b>Armani</b> [1] - 11:21 <b>arrangement</b> [1] - 4:25 <b>arrest</b> [2] - 33:9, 41:7 <b>arrested</b> [2] - 32:21, 32:23 <b>articulate</b> [1] - 3:6 <b>assent</b> [1] - 56:4 <b>assessment</b> [2] - 27:23, 47:7 <b>assistants</b> [1] - 1:13 <b>assume</b> [2] - 13:12, 38:7 <b>assuming</b> [9] - 23:7, 32:18, 37:15, 39:7, 44:8, 46:3, 46:4, 49:3, 63:22 <b>assurances</b> [1] - 31:24 <b>attached</b> [1] - 30:19 <b>attendance</b> [1] - 2:11 <b>attendant</b> [1] - 58:6 <b>ATTORNEY</b> [1] - 1:11 <b>attorney</b> [2] - 26:21, 44:23 <b>Attorney</b> [1] - 1:13 <b>available</b> [1] - 63:25 <b>awaiting</b> [1] - 57:15 <b>aware</b> [7] - 9:7, 9:8, 28:23, 36:9, 42:12, 60:23, 60:24
<b>100</b> [1] - 34:22 <b>108</b> [1] - 27:13 <b>10B</b> [1] - 60:11 <b>11(c)(1)(C)</b> [1] - 27:11 <b>12</b> [2] - 15:10, 36:15 <b>121</b> [2] - 28:16, 29:15 <b>123</b> [1] - 1:16 <b>1250</b> [1] - 1:14 <b>130</b> [1] - 1:20 <b>138</b> [1] - 28:5 <b>14</b> [1] - 60:5 <b>14th</b> [1] - 60:15 <b>151</b> [2] - 28:16, 29:15 <b>18-101</b> [2] - 2:10, 57:14 <b>18-101-1</b> [2] - 1:5, 56:16 <b>18th</b> [1] - 1:20 <b>19072</b> [1] - 15:8 <b>19103</b> [1] - 1:20 <b>19106</b> [2] - 1:14, 1:24 <b>19109</b> [1] - 1:17	<b>8</b> <b>846</b> [2] - 11:6, 56:18	<b>42:5</b> <b>acknowledges</b> [1] - 10:21 <b>Acknowledgment</b> [2] - 30:20, 30:22 <b>acknowledgment</b> [1] - 31:9 <b>Act</b> [1] - 23:4 <b>Action</b> [1] - 57:13 <b>ACTION</b> [1] - 1:3 <b>action</b> [1] - 57:22 <b>active</b> [1] - 51:21 <b>actual</b> [1] - 40:8 <b>add</b> [2] - 8:2, 61:6 <b>addiction</b> [1] - 21:10 <b>adding</b> [1] - 62:2 <b>addition</b> [1] - 45:21 <b>address</b> [6] - 4:16, 5:12, 6:24, 15:6, 29:23, 61:19 <b>addressed</b> [1] - 58:24 <b>adjourned</b> [1] - 65:5 <b>adjudged</b> [1] - 58:19 <b>administered</b> [3] - 61:9, 61:24, 62:15 <b>administrative</b> [1] - 43:2 <b>admit</b> [1] - 44:1 <b>admitted</b> [1] - 58:5 <b>Advanced</b> [1] - 42:20 <b>advantage</b> [1] - 32:11 <b>advice</b> [3] - 6:25, 7:21, 23:19 <b>advise</b> [1] - 6:19 <b>advisory</b> [1] - 9:22 <b>afford</b> [3] - 22:9, 23:5, 37:7 <b>afternoon</b> [8] - 2:3, 2:12, 2:15, 2:18, 2:19, 2:20, 8:21, 10:25 <b>Agent</b> [1] - 2:16 <b>ago</b> [3] - 18:21, 18:23, 18:25 <b>agree</b> [8] - 8:19, 8:21, 8:22, 27:12, 29:21, 43:20, 43:23, 47:13 <b>agreed</b> [3] - 41:20, 42:16, 48:19 <b>Agreement</b> [15] - 11:14, 26:23, 27:19, 29:5, 29:12, 29:17, 30:3, 30:8, 30:11, 30:19, 30:21, 31:21, 31:25, 55:7, 57:25 <b>agreement</b> [8] - 8:8, 31:8, 37:16, 38:3, 38:17, 41:24, 41:25,	<b>6</b> <b>6</b> [1] - 1:8 <b>601</b> [1] - 1:23 <b>615</b> [1] - 1:14 <b>6th</b> [1] - 7:6	<b>53:9</b> <b>agreements</b> [1] - 30:6 <b>agrees</b> [1] - 7:16 <b>ahead</b> [2] - 10:14, 10:20 <b>al</b> [1] - 2:10 <b>alcohol</b> [1] - 21:9 <b>alcoholic</b> [1] - 21:5 <b>alert</b> [1] - 57:17 <b>ALL</b> [2] - 2:3, 64:14 <b>allegation</b> [1] - 11:9 <b>alleged</b> [3] - 11:6, 42:2, 42:4 <b>allowed</b> [1] - 18:1 <b>almost</b> [1] - 16:14 <b>alone</b> [2] - 9:11, 34:12 <b>America</b> [2] - 2:9, 57:13 <b>AMERICA</b> [1] - 1:3 <b>American</b> [1] - 25:21 <b>amin</b> [1] - 21:25 <b>Amin</b> [2] - 22:2, 22:3 <b>Amin's</b> [1] - 22:5 <b>amount</b> [2] - 27:20, 40:6 <b>Ann</b> [1] - 2:24 <b>ANN</b> [1] - 1:19 <b>answer</b> [5] - 13:3, 13:16, 13:22, 31:6, 50:12 <b>answering</b> [1] - 54:6 <b>answers</b> [6] - 3:18, 13:1, 13:3, 13:12, 13:17, 43:19 <b>anticipating</b> [3] - 4:7, 4:21, 4:22 <b>anticipation</b> [1] - 2:8 <b>antidepressant</b> [1] - 62:3 <b>anxiety</b> [6] - 18:16, 18:25, 20:14, 20:18, 21:11, 62:4 <b>anyway</b> [2] - 7:13, 43:5 <b>apart</b> [1] - 57:25 <b>apologize</b> [1] - 27:18 <b>appeal</b> [14] - 33:2, 37:4, 37:8, 37:9, 37:16, 37:19, 37:22, 37:24, 38:11, 39:11, 40:12, 45:19, 58:15 <b>appeals</b> [1] - 41:5 <b>appear</b> [2] - 21:15, 22:10 <b>appearance</b> [1] - 5:7 <b>APPEARANCES</b> [1] - 1:11 <b>appellate</b> [3] - 29:10,	<b>37:4, 37:13</b> <b>applicable</b> [1] - 46:20 <b>application</b> [1] - 4:14 <b>applications</b> [2] - 4:7, 33:23 <b>apply</b> [2] - 28:25, 48:4 <b>appointed</b> [2] - 23:6, 37:9 <b>appointment</b> [1] - 23:4 <b>appreciative</b> [1] - 50:22 <b>approach</b> [5] - 25:24, 28:13, 30:14, 59:1, 64:25 <b>April</b> [2] - 60:10, 60:15 <b>arguably</b> [2] - 38:11, 43:3 <b>argue</b> [4] - 28:9, 28:22, 28:23, 36:10 <b>argued</b> [1] - 5:24 <b>arguments</b> [1] - 33:1 <b>arise</b> [1] - 11:6 <b>Armani</b> [1] - 11:21 <b>arrangement</b> [1] - 4:25 <b>arrest</b> [2] - 33:9, 41:7 <b>arrested</b> [2] - 32:21, 32:23 <b>articulate</b> [1] - 3:6 <b>assent</b> [1] - 56:4 <b>assessment</b> [2] - 27:23, 47:7 <b>assistants</b> [1] - 1:13 <b>assume</b> [2] - 13:12, 38:7 <b>assuming</b> [9] - 23:7, 32:18, 37:15, 39:7, 44:8, 46:3, 46:4, 49:3, 63:22 <b>assurances</b> [1] - 31:24 <b>attached</b> [1] - 30:19 <b>attendance</b> [1] - 2:11 <b>attendant</b> [1] - 58:6 <b>ATTORNEY</b> [1] - 1:11 <b>attorney</b> [2] - 26:21, 44:23 <b>Attorney</b> [1] - 1:13 <b>available</b> [1] - 63:25 <b>awaiting</b> [1] - 57:15 <b>aware</b> [7] - 9:7, 9:8, 28:23, 36:9, 42:12, 60:23, 60:24
<b>2</b>	<b>A</b> <b>A-M-I-N</b> [1] - 22:2 <b>abandon</b> [2] - 6:9, 32:10 <b>Abington</b> [1] - 16:1 <b>able</b> [2] - 14:12, 38:8 <b>ably</b> [1] - 3:12 <b>abolished</b> [1] - 50:4 <b>above-entitled</b>				

**B**

**bail** [3] - 9:10, 33:23  
**basis** [12] - 28:7,  
 41:15, 42:6, 44:11,  
 45:4, 46:19, 47:23,  
 49:8, 55:7, 55:22,  
 58:3, 62:16  
**become** [3] - 14:19,  
 17:10, 39:11  
**BEFORE** [1] - 1:9  
**begins** [1] - 29:11  
**behalf** [4] - 4:12,  
 35:11, 35:16, 44:11  
**best** [2] - 53:14,  
 53:25  
**better** [4] - 6:18,  
 53:24, 57:1, 62:4  
**between** [3] - 5:21,  
 8:25, 42:11  
**beverages** [1] - 21:6  
**beyond** [5] - 6:23,  
 34:25, 36:17, 36:23,  
 50:10  
**binding** [1] - 27:19  
**bit** [3] - 32:6, 40:9,  
 42:25  
**BLANK** [1] - 1:18  
**boat** [1] - 9:11  
**book** [1] - 64:15  
**born** [1] - 12:2  
**bought** [1] - 52:12  
**box** [1] - 36:16  
**break** [3] - 12:23,  
 40:25, 49:23  
**bring** [4] - 7:8, 53:15,  
 53:22  
**Broad** [1] - 1:16  
**business** [1] - 60:15  
**buy** [3] - 39:20, 49:3,  
 52:7  
**BY** [1] - 1:19  
**bye** [1] - 32:14

**C**

**C.A.T** [1] - 1:25  
**calculated** [2] -  
 16:17, 28:7  
**calendar** [1] - 60:14  
**campus** [1] - 15:25  
**cannot** [9] - 13:3,  
 23:5, 26:12, 36:7,  
 41:5, 46:5, 52:6,  
 52:11, 56:6  
**capable** [1] - 57:18  
**caption** [1] - 30:18  
**care** [3] - 21:16,

21:18, 21:21  
**Care** [1] - 42:20  
**carry** [2] - 22:14,  
 52:1  
**cart** [4] - 5:9, 5:10,  
 5:14, 5:15  
**case** [28] - 2:6, 2:9,  
 3:20, 4:9, 6:10, 7:3,  
 16:10, 23:5, 23:16,  
 27:13, 30:18, 34:5,  
 38:2, 38:19, 39:1,  
 39:6, 41:21, 42:8,  
 43:3, 44:25, 48:14,  
 49:17, 50:5, 50:12,  
 50:13, 57:12, 60:9  
**cases** [1] - 43:10  
**caution** [1] - 8:18  
**Celexa** [2] - 18:14,  
 19:1  
**Center** [1] - 17:9  
**ceremony** [1] - 15:2  
**certain** [1] - 56:1  
**certainly** [2] - 10:10,  
 59:18  
**certainty** [1] - 51:20  
**certify** [1] - 65:8  
**cetera** [1] - 8:7  
**challenge** [5] -  
 24:22, 32:20, 33:6,  
 33:17, 33:25  
**chance** [1] - 56:7  
**chances** [1] - 39:11  
**CHANGE** [1] - 1:10  
**change** [7] - 4:25,  
 5:18, 11:1, 14:13,  
 49:9, 54:13, 54:24  
**changes** [2] - 7:17,  
 56:11  
**character** [1] - 35:19  
**characteristics** [1] -  
 58:18  
**characterized** [1] -  
 26:22  
**charged** [6] - 11:3,  
 23:21, 25:6, 28:6,  
 56:23, 58:20  
**charges** [16] - 11:6,  
 16:13, 16:20, 23:23,  
 24:1, 24:5, 24:11,  
 24:20, 27:10, 36:18,  
 51:24, 54:13, 55:16,  
 55:18, 56:10, 58:9  
**charging** [1] - 56:16  
**check** [1] - 21:1  
**checking** [1] - 63:10  
**Chestnut** [1] - 1:14  
**chewed** [1] - 45:21  
**children** [1] - 16:2  
**choice** [1] - 6:9  
**choices** [2] - 10:10,

40:3  
**choose** [5] - 34:12,  
 34:17, 35:24, 36:2,  
 36:4  
**chose** [1] - 37:2  
**Christopher** [1] -  
 2:13  
**CHRISTOPHER** [1] -  
 1:12  
**circumstances** [2] -  
 37:21, 49:18  
**citizen** [3] - 14:17,  
 14:20, 25:21  
**claim** [4] - 24:24,  
 32:10, 32:12, 41:6  
**clear** [3] - 7:22, 8:11,  
 47:2  
**clearly** [2] - 9:14,  
 22:20  
**clerk** [2] - 7:25, 8:18  
**CLERK** [7] - 10:2,  
 10:4, 10:18, 20:21,  
 21:4, 31:2, 56:14  
**Clerk** [2] - 2:1, 61:23  
**client** [8] - 4:13,  
 4:23, 4:24, 6:3, 6:17,  
 8:3, 8:10, 8:16  
**client's** [1] - 6:18  
**climb** [1] - 9:6  
**clinic** [1] - 20:7  
**close** [1] - 60:15  
**closed** [2] - 63:3,  
 63:5  
**CM** [2] - 1:22, 65:14  
**coconspirator** [2] -  
 11:11, 42:4  
**coconspirators** [1] -  
 11:11  
**Code** [2] - 11:5,  
 56:18  
**codefendants** [1] -  
 42:16  
**coerced** [1] - 53:7  
**collection** [1] - 62:6  
**college** [2] - 15:21,  
 15:22  
**comfortable** [1] -  
 12:5  
**coming** [2] - 8:6,  
 59:1  
**comment** [1] - 59:22  
**commented** [1] -  
 53:11  
**comments** [1] -  
 39:18  
**commission** [1] -  
 25:7  
**commit** [1] - 49:15  
**company** [1] - 20:6  
**compel** [3] - 3:7, 3:8,

35:14  
**competence** [1] -  
 54:24  
**competent** [3] -  
 14:12, 35:1, 57:17  
**completely** [2] -  
 55:3, 56:7  
**compliance** [1] -  
 59:12  
**comported** [1] -  
 59:11  
**concern** [1] - 8:14  
**condition** [5] - 18:15,  
 20:10, 61:6, 62:2,  
 63:17  
**conditions** [5] - 30:7,  
 46:8, 49:22, 49:23,  
 59:13  
**conduct** [2] - 12:9,  
 33:13  
**configuration** [2] -  
 25:15, 37:25  
**configure** [1] - 58:22  
**configured** [1] -  
 25:14  
**confirmed** [2] -  
 60:20, 60:21  
**Congress** [1] - 47:10  
**connection** [4] -  
 16:9, 16:13, 16:19,  
 32:25  
**consequences** [3] -  
 25:18, 26:2, 26:5  
**consider** [3] - 35:20,  
 46:21, 47:21  
**considerably** [2] -  
 39:24, 45:25  
**consideration** [1] -  
 28:4  
**considered** [1] - 38:9  
**considering** [1] -  
 39:17  
**consistent** [1] - 28:1  
**conspiracy** [5] -  
 11:4, 27:10, 28:6,  
 41:25, 56:16  
**conspirator** [1] -  
 42:2  
**constitutional** [1] -  
 58:14  
**constricted** [1] -  
 40:12  
**consult** [1] - 19:18  
**contest** [3] - 51:25,  
 55:18  
**contingent** [5] -  
 39:17, 55:9, 56:3,  
 56:11, 57:18  
**continuance** [1] - 5:5  
**continue** [9] - 4:10,

4:14, 22:24, 34:4,  
 43:16, 51:25, 52:15,  
 53:1, 55:18  
**continued** [4] - 3:6,  
 19:4, 19:8, 42:19  
**controlled** [7] - 11:4,  
 11:7, 27:10, 41:21,  
 42:14, 42:21, 56:17  
**conversing** [1] - 12:5  
**convicted** [6] - 26:3,  
 26:13, 36:14, 36:18,  
 36:24, 51:3  
**conviction** [7] -  
 26:10, 37:13, 37:17,  
 41:7, 50:19, 51:5,  
 51:9  
**convictions** [3] -  
 50:9, 50:11, 50:24  
**convince** [1] - 31:25  
**convinced** [3] - 7:15,  
 36:17, 36:22  
**cooperate** [1] - 59:17  
**copy** [1] - 60:13  
**Cornerstone** [1] -  
 65:3  
**correct** [3] - 16:18,  
 23:10, 65:8  
**cost** [2] - 23:7, 37:9  
**COSTELLO** [4] -  
 1:12, 2:14, 9:18,  
 16:23  
**Costello** [1] - 2:14  
**COUNSEL** [2] - 2:3,  
 64:14  
**counsel** [7] - 3:7,  
 4:7, 4:8, 5:21, 9:10,  
 29:19, 47:13  
**Counsel** [2] - 1:15,  
 1:21  
**counseling** [1] - 6:1  
**Count** [16] - 11:2,  
 24:5, 24:16, 24:21,  
 27:9, 40:9, 41:10,  
 41:15, 41:20, 47:3,  
 54:3, 56:10, 56:16,  
 56:19, 58:6, 58:20  
**country** [1] - 14:17  
**counts** [2] - 24:8,  
 24:17  
**Counts** [1] - 27:25  
**couple** [3] - 20:11,  
 40:6, 57:6  
**course** [10] - 4:8,  
 4:17, 6:11, 11:8,  
 32:13, 35:9, 36:21,  
 41:22, 42:22, 44:10  
**Court** [14] - 1:22,  
 4:16, 8:5, 39:25, 45:5,  
 46:9, 46:13, 46:22,  
 48:3, 56:2, 57:12,

57:15, 65:5, 65:14  
**COURT** [308] - 1:1,  
 2:2, 2:4, 2:6, 2:17,  
 2:21, 3:2, 3:15, 4:1,  
 4:5, 4:17, 4:21, 5:1,  
 5:4, 5:7, 5:13, 5:17,  
 5:19, 6:1, 6:11, 6:13,  
 6:16, 6:22, 7:9, 7:17,  
 8:13, 8:23, 9:4, 9:9,  
 9:13, 9:15, 9:20, 10:8,  
 10:19, 10:24, 11:20,  
 11:22, 11:24, 12:1,  
 12:4, 12:8, 12:11,  
 12:18, 13:7, 13:11,  
 13:15, 13:21, 13:25,  
 14:4, 14:8, 14:12,  
 14:17, 14:19, 14:22,  
 15:2, 15:4, 15:6, 15:9,  
 15:11, 15:14, 15:17,  
 15:21, 15:23, 15:25,  
 16:2, 16:5, 16:8,  
 16:12, 16:15, 16:19,  
 16:24, 17:3, 17:6,  
 17:8, 17:10, 17:13,  
 17:16, 17:18, 17:21,  
 17:25, 18:5, 18:7,  
 18:10, 18:13, 18:15,  
 18:17, 18:19, 18:22,  
 18:24, 19:2, 19:5,  
 19:9, 19:12, 19:15,  
 19:18, 19:22, 19:25,  
 20:3, 20:9, 20:13,  
 20:17, 20:19, 20:22,  
 21:1, 21:5, 21:8,  
 21:12, 21:15, 21:20,  
 21:22, 21:24, 22:1,  
 22:3, 22:5, 22:7,  
 22:10, 22:12, 22:14,  
 22:16, 22:19, 22:22,  
 23:3, 23:9, 23:12,  
 23:15, 23:18, 23:21,  
 23:25, 24:4, 24:8,  
 24:15, 24:19, 25:6,  
 25:9, 25:12, 25:20,  
 26:9, 26:16, 26:19,  
 26:25, 27:3, 27:5,  
 27:15, 28:10, 28:14,  
 28:17, 28:20, 29:6,  
 29:9, 29:13, 29:16,  
 29:19, 29:22, 29:25,  
 30:3, 30:6, 30:10,  
 30:17, 31:3, 31:6,  
 31:8, 31:11, 31:14,  
 31:17, 31:20, 31:23,  
 32:3, 32:6, 32:17,  
 33:6, 33:11, 33:17,  
 33:21, 34:3, 34:7,  
 34:11, 34:16, 34:21,  
 34:24, 35:4, 35:8,  
 35:13, 35:18, 35:23,  
 36:2, 36:6, 36:9,

36:13, 36:21, 37:1,  
 37:7, 37:12, 37:15,  
 37:19, 38:5, 38:14,  
 38:17, 38:21, 39:14,  
 40:15, 40:18, 40:22,  
 40:24, 41:3, 41:9,  
 41:13, 41:18, 42:7,  
 42:24, 43:23, 44:1,  
 44:3, 44:6, 44:17,  
 44:22, 45:2, 45:8,  
 45:13, 45:18, 46:7,  
 46:12, 46:16, 46:25,  
 47:8, 47:13, 47:16,  
 47:20, 48:1, 48:6,  
 48:12, 48:16, 48:21,  
 48:25, 49:8, 49:12,  
 49:15, 49:20, 49:22,  
 50:3, 50:8, 50:16,  
 50:21, 51:1, 51:3,  
 51:8, 51:12, 51:18,  
 51:23, 52:21, 52:25,  
 53:6, 53:9, 53:13,  
 53:16, 53:19, 53:21,  
 53:23, 54:1, 54:5,  
 54:9, 54:12, 54:16,  
 54:19, 54:22, 55:2,  
 55:6, 55:14, 55:21,  
 55:25, 56:13, 56:22,  
 56:25, 57:3, 57:5,  
 57:9, 59:9, 60:22,  
 60:25, 61:3, 61:5,  
 61:12, 61:17, 61:20,  
 61:24, 62:2, 62:9,  
 62:12, 62:14, 62:18,  
 62:21, 62:24, 63:1,  
 63:5, 63:10, 63:13,  
 63:15, 63:17, 63:20,  
 64:4, 64:6, 64:9,  
 64:13, 64:15, 64:17,  
 64:20, 64:22, 65:1,  
 65:3  
**court** [10] - 2:1, 4:1,  
 7:25, 33:22, 35:6,  
 35:15, 37:4, 37:13,  
 41:5, 41:6  
**Court's** [8] - 8:6, 9:1,  
 39:23, 45:20, 52:6,  
 55:9, 55:10, 58:1  
**Courthouse** [1] -  
 1:23  
**Courtroom** [1] -  
 60:10  
**Coyle** [2] - 30:25,  
 61:3  
**creating** [1] - 12:25  
**creative** [1] - 3:6  
**crime** [9] - 25:9,  
 40:8, 41:14, 47:3,  
 47:11, 49:16, 51:6,  
 51:8, 61:15

**criminal** [2] - 2:11,  
 50:14  
**Criminal** [2] - 23:4,  
 57:13  
**CRIMINAL** [1] - 1:3  
**criteria** [2] - 23:3,  
 23:7  
**crop** [1] - 54:10  
**cross** [1] - 35:9  
**cross-examine** [1] -  
 35:9  
**CRR** [2] - 1:22, 65:14  
**CSR** [2] - 1:22, 65:14  
**current** [1] - 24:10  
**custody** [3] - 16:9,  
 16:13  
**customers** [1] -  
 42:20

## D

**darn** [1] - 62:10  
**date** [1] - 2:9  
**Date** [1] - 65:16  
**dated** [1] - 30:16  
**daughter** [2] - 15:13,  
 15:19  
**days** [4] - 20:11,  
 60:5, 62:10, 62:15  
**de** [1] - 43:5  
**DEA** [2] - 11:12,  
 42:12  
**deal** [7] - 38:8, 39:20,  
 46:5, 48:17, 48:22,  
 52:6, 56:4  
**decide** [4] - 34:17,  
 43:16, 52:3, 52:5  
**decides** [1] - 48:3  
**deciding** [1] - 48:13  
**decision** [4] - 7:4,  
 10:13, 54:16, 57:20  
**decisions** [1] - 40:1  
**defendant** [30] - 3:2,  
 5:21, 9:16, 9:24,  
 16:21, 21:3, 27:8,  
 28:22, 28:25, 29:2,  
 41:24, 41:25, 42:3,  
 42:12, 42:13, 42:16,  
 42:19, 50:22, 55:11,  
 55:15, 57:16, 57:17,  
 57:22, 58:5, 59:4,  
 59:11, 60:17, 61:9,  
 64:1, 64:19  
**DEFENDANT** [211] -  
 10:3, 10:6, 10:23,  
 11:19, 11:21, 11:23,  
 11:25, 12:3, 12:6,  
 12:10, 12:17, 13:6,  
 13:10, 13:14, 13:20,

13:24, 14:3, 14:6,  
 14:11, 14:16, 14:18,  
 14:21, 15:3, 15:5,  
 15:7, 15:10, 15:13,  
 15:16, 15:19, 15:22,  
 15:24, 16:1, 16:4,  
 16:7, 16:11, 16:14,  
 17:5, 17:7, 17:9,  
 17:12, 17:15, 17:17,  
 17:20, 17:22, 18:4,  
 18:6, 18:9, 18:12,  
 18:14, 18:16, 18:18,  
 18:21, 18:23, 19:1,  
 19:3, 19:6, 19:11,  
 19:14, 19:16, 19:20,  
 19:24, 20:2, 20:5,  
 20:12, 20:16, 20:18,  
 20:24, 21:7, 21:11,  
 21:14, 21:18, 21:21,  
 21:23, 21:25, 22:2,  
 22:4, 22:6, 22:8,  
 22:11, 22:13, 22:15,  
 22:18, 22:21, 23:2,  
 23:8, 23:11, 23:14,  
 23:17, 23:20, 23:24,  
 24:3, 24:7, 24:14,  
 24:18, 25:5, 25:8,  
 25:11, 25:19, 26:8,  
 26:15, 26:18, 26:24,  
 29:18, 31:5, 31:7,  
 31:10, 31:13, 31:16,  
 31:19, 31:22, 32:2,  
 32:5, 32:16, 33:5,  
 33:10, 33:16, 33:20,  
 34:2, 34:6, 34:10,  
 34:15, 34:20, 34:23,  
 35:3, 35:7, 35:12,  
 35:17, 35:22, 36:1,  
 36:5, 36:8, 36:12,  
 36:20, 36:25, 37:6,  
 37:11, 37:14, 37:18,  
 38:4, 38:13, 38:16,  
 38:20, 39:13, 40:14,  
 41:8, 41:12, 43:22,  
 43:25, 44:2, 44:5,  
 44:15, 44:21, 45:1,  
 45:12, 45:17, 46:6,  
 46:11, 46:15, 46:24,  
 47:12, 47:19, 47:25,  
 48:5, 48:11, 48:15,  
 48:20, 48:24, 49:7,  
 49:11, 49:14, 49:19,  
 49:21, 50:2, 50:7,  
 50:25, 51:2, 51:7,  
 51:11, 51:17, 51:22,  
 53:5, 53:8, 53:12,  
 53:14, 53:18, 53:20,  
 53:22, 53:24, 54:4,  
 54:8, 54:11, 54:15,  
 54:18, 54:21, 56:12,  
 56:21, 56:24, 57:2,

57:4, 57:8, 61:10,  
 61:14, 61:18, 62:1,  
 62:8, 62:11, 62:13,  
 64:3, 64:5, 64:8,  
 64:12  
**Defendant** [1] - 1:21  
**defendant's** [3] -  
 27:24, 28:6, 54:24  
**defendants** [1] - 6:7  
**defended** [1] - 3:13  
**defense** [5] - 3:7,  
 30:25, 47:13, 59:2,  
 60:12  
**degree** [2] - 17:6,  
 17:8  
**delay** [3] - 3:21, 39:7,  
 60:6  
**demonstrate** [1] -  
 42:11  
**denied** [2] - 3:7, 3:21  
**Department** [6] -  
 2:16, 3:8, 3:15, 48:9,  
 59:10, 59:15  
**depressed** [2] -  
 22:13, 22:14  
**depression** [4] -  
 20:16, 20:18, 21:11,  
 22:19  
**Deputy** [2] - 2:1,  
 61:23  
**DEPUTY** [7] - 10:2,  
 10:4, 10:18, 20:21,  
 21:4, 31:2, 56:14  
**deputy** [1] - 8:18  
**describe** [4] - 44:7,  
 44:12, 44:18, 59:6  
**described** [2] -  
 44:20, 55:8  
**DESIMONE** [60] -  
 1:16, 2:18, 2:22, 3:14,  
 3:25, 4:4, 4:16, 4:18,  
 4:23, 5:3, 5:6, 5:8,  
 5:15, 5:18, 5:25, 6:10,  
 6:12, 6:14, 6:17, 6:23,  
 7:11, 7:20, 9:14,  
 16:18, 17:1, 29:21,  
 29:24, 30:2, 30:5,  
 30:9, 30:13, 30:16,  
 40:16, 40:21, 40:23,  
 41:2, 45:7, 47:15,  
 52:20, 52:22, 54:25,  
 55:4, 55:12, 55:19,  
 55:23, 59:7, 62:17,  
 62:19, 62:22, 62:25,  
 63:3, 63:7, 63:12,  
 63:14, 63:16, 63:19,  
 64:2, 64:18, 64:21,  
 64:24  
**DeSimone** [8] - 2:21,  
 8:2, 8:19, 8:22, 23:12,

29:20, 29:25, 48:21  
**determine** [2] -  
 45:16, 46:13  
**determined** [3] -  
 27:20, 27:22, 46:22  
**detour** [1] - 42:25  
**development** [1] -  
 43:18  
**developments** [1] -  
 57:19  
**devote** [1] - 5:23  
**difference** [1] - 8:25  
**different** [6] - 7:23,  
 16:24, 25:24, 43:7,  
 44:19  
**differently** [4] -  
 32:14, 44:7, 44:13,  
 59:6  
**difficult** [1] - 7:4  
**difficulty** [1] - 7:24  
**Dillinger** [2] - 42:17,  
 42:19  
**dire** [1] - 26:5  
**direct** [1] - 58:15  
**directly** [1] - 63:25  
**disaffection** [1] -  
 5:21  
**disagree** [1] - 49:3  
**disclosed** [2] - 30:4,  
 58:2  
**discovery** [1] - 33:14  
**discretion** [1] - 27:23  
**discuss** [2] - 23:16,  
 31:17  
**discussed** [2] -  
 54:19, 58:18  
**discussing** [1] -  
 24:13  
**Discussion** [4] -  
 40:20, 61:4, 61:23,  
 63:9  
**discussion** [4] - 7:2,  
 7:15, 8:2, 8:11  
**discussions** [6] -  
 7:25, 8:3, 8:7, 8:11,  
 26:20, 26:22  
**dismiss** [2] - 24:11,  
 27:25  
**dispense** [1] - 11:7  
**disputes** [1] - 33:13  
**distribute** [4] - 11:4,  
 27:10, 41:21, 56:17  
**distributed** [1] - 28:5  
**DISTRICT** [2] - 1:1,  
 1:2  
**District** [1] - 1:13  
**docket** [1] - 2:11  
**docketed** [1] - 2:10  
**doctor** [14] - 14:25,  
 17:5, 18:18, 18:20,

18:25, 19:12, 19:18,  
 19:20, 19:23, 20:1,  
 21:16, 26:6, 26:17  
**doctors** [1] - 26:12  
**document** [8] -  
 11:13, 27:6, 30:17,  
 30:19, 30:24, 31:11,  
 31:15, 57:9  
**documents** [1] - 31:3  
**done** [4] - 24:25,  
 25:3, 58:25, 59:15  
**doubt** [5] - 35:1,  
 35:21, 36:17, 36:23,  
 54:23  
**down** [4] - 8:6,  
 58:21, 63:14, 64:19  
**Dr** [7] - 2:19, 2:24,  
 2:25, 21:25, 22:2,  
 22:3, 22:5  
**drafted** [1] - 8:1  
**drawn** [1] - 36:3  
**drug** [7] - 21:9,  
 60:23, 61:7, 61:21,  
 61:24, 62:14, 63:18  
**drugs** [8] - 18:10,  
 20:22, 47:23, 48:17,  
 48:19, 48:23, 50:10,  
 62:6

## E

**e-mail** [2] - 61:19  
**e-mailed** [1] - 61:16  
**E.K** [1] - 1:9  
**earn** [1] - 17:8  
**earned** [2] - 46:14,  
 46:22  
**earning** [1] - 18:8  
**EASTERN** [1] - 1:2  
**Eastern** [1] - 1:13  
**ecumenical** [2] -  
 7:10, 7:11  
**effect** [2] - 32:13,  
 50:9  
**effort** [1] - 39:22  
**efforts** [4] - 3:6, 3:7,  
 4:10  
**either** [4] - 25:14,  
 38:2, 40:3, 54:23  
**elected** [1] - 47:10  
**element** [2] - 45:19,  
 46:9  
**elements** [5] - 41:14,  
 41:19, 44:24, 45:4,  
 58:6  
**embrace** [1] - 38:8  
**employee** [1] - 42:12  
**end** [8] - 5:24, 38:18,  
 45:15, 52:10, 52:12,

53:22, 53:23, 54:9  
**ended** [1] - 8:21  
**English** [2] - 12:7,  
 12:9  
**enhancement** [2] -  
 28:24, 28:25  
**enter** [4] - 6:7, 11:1,  
 46:17, 54:24  
**entered** [3] - 4:24,  
 11:1, 58:7  
**entering** [4] - 14:14,  
 32:17, 39:17, 57:18  
**entitled** [1] - 65:9  
**epiphany** [3] - 7:6,  
 7:7, 7:8  
**ERIC** [1] - 1:12  
**ESQUIRE** [5] - 1:12,  
 1:12, 1:16, 1:19, 1:19  
**essential** [6] - 30:1,  
 41:14, 41:19, 44:23,  
 45:4, 58:6  
**essentially** [1] -  
 39:12  
**et** [2] - 2:10, 8:6  
**evaluation** [1] -  
 55:10  
**event** [1] - 24:11  
**events** [1] - 44:18  
**evidence** [10] - 8:5,  
 8:9, 33:13, 35:1,  
 35:10, 35:11, 35:15,  
 35:20, 42:10  
**examine** [1] - 35:9  
**excellent** [1] - 3:18  
**except** [1] - 30:22  
**exchange** [1] - 27:24  
**excuse** [4] - 6:4,  
 6:20, 28:8, 62:23  
**exemplar** [1] - 3:17  
**exercising** [1] - 26:2  
**expect** [2] - 60:11,  
 63:21  
**experience** [1] - 49:1  
**expert** [1] - 3:10  
**explain** [2] - 40:16,  
 44:11  
**explained** [2] - 3:16,  
 44:14  
**explaining** [1] -  
 12:18  
**explanations** [1] -  
 58:1  
**expressed** [1] - 4:13  
**expressing** [1] - 5:5  
**extent** [1] - 52:3  
**extremely** [1] - 51:19

## F

**face** [2] - 59:25  
**facsimile** [1] - 30:23  
**fact** [17] - 3:12, 5:23,  
 7:17, 26:13, 36:4,  
 36:6, 39:19, 45:25,  
 49:4, 50:22, 51:25,  
 52:12, 54:2, 56:5,  
 56:23, 58:4, 59:11  
**facto** [1] - 43:5  
**facts** [4] - 43:21,  
 44:1, 44:7, 58:6  
**factual** [4] - 41:15,  
 42:6, 45:3, 55:21  
**failure** [1] - 33:7  
**fair** [2] - 10:14, 39:9  
**Fair** [1] - 15:7  
**false** [1] - 13:19  
**falsely** [2] - 13:16,  
 13:23  
**familiar** [2] - 48:7,  
 48:8  
**family** [4] - 53:15,  
 57:1, 59:17  
**family's** [3] - 53:25,  
 64:4, 64:7  
**far** [6] - 3:3, 10:24,  
 12:2, 13:2, 17:3,  
 28:18  
**FARD** [2] - 1:5, 10:3  
**Fard** [9] - 2:10, 2:19,  
 2:24, 3:1, 10:6, 11:18,  
 12:3, 56:14, 57:13  
**fashion** [3] - 3:9,  
 58:23, 63:2  
**fathom** [1] - 52:11  
**FDC** [5] - 18:18,  
 18:19, 18:20, 18:25,  
 19:12  
**fear** [1] - 57:24  
**feature** [2] - 38:10,  
 38:11  
**features** [1] - 11:13  
**federal** [4] - 16:8,  
 16:9, 16:12, 50:4  
**FELDMAN** [1] - 1:22  
**Feldman** [2] - 12:24,  
 65:14  
**felon** [3] - 26:1, 26:3,  
 26:13  
**felony** [4] - 25:7,  
 25:9, 25:13, 25:16  
**felt** [1] - 6:9  
**few** [3] - 19:17,  
 37:20, 62:10  
**fifth** [1] - 58:9  
**fight** [4] - 25:2,  
 32:22, 33:12, 33:21

**fighting** [2] - 33:1,  
 33:3  
**figure** [1] - 64:10  
**figured** [1] - 51:5  
**figuring** [1] - 48:18  
**file** [1] - 60:7  
**filed** [1] - 8:1  
**filming** [1] - 13:2  
**finally** [1] - 7:6  
**financial** [2] - 23:3,  
 23:7  
**fine** [8] - 5:19, 12:13,  
 12:22, 27:19, 40:21,  
 46:8, 47:6, 56:9  
**firmly** [1] - 7:15  
**first** [5] - 3:4, 28:4,  
 41:20, 49:16, 62:14  
**Five** [15] - 11:2, 24:5,  
 24:16, 24:21, 27:9,  
 40:9, 41:10, 41:15,  
 41:20, 47:3, 54:3,  
 56:10, 56:19, 58:7,  
 58:20  
**five** [4] - 18:21,  
 18:23, 18:25, 19:5  
**Flannery** [3] - 3:3,  
 4:12, 10:16  
**folks** [1] - 40:2  
**following** [1] - 37:17  
**FOR** [1] - 1:2  
**force** [1] - 57:24  
**forced** [1] - 53:7  
**foregoing** [1] - 65:8  
**forever** [2] - 32:14,  
 32:20  
**forget** [2] - 10:15,  
 61:18  
**forth** [2] - 30:7, 31:25  
**fortunate** [1] - 50:16  
**forward** [2] - 44:8,  
 44:12  
**fought** [1] - 3:12  
**foundation** [1] - 43:8  
**Four** [1] - 27:25  
**four** [1] - 16:14  
**fourth** [1] - 58:5  
**FRANK** [1] - 1:16  
**Frank** [2] - 2:21,  
 30:15  
**frankly** [6] - 26:9,  
 39:8, 43:10, 45:18,  
 52:2, 55:8  
**free** [4] - 3:23, 20:7,  
 32:4, 54:17  
**front** [1] - 28:12  
**fruition** [1] - 24:13  
**full** [9] - 10:5, 29:7,  
 44:18, 52:10, 55:15,  
 55:21, 57:15, 59:12,  
 60:13

**fully** [3] - 44:1, 52:2, 57:17  
**furtherance** [1] - 28:5  
**future** [12] - 39:9, 43:17, 46:18, 51:4, 51:6, 51:8, 55:11, 56:11, 57:19, 58:11, 58:19, 63:21

---

## G

---

**gathered** [1] - 33:13  
**GENE** [1] - 1:9  
**given** [3] - 7:24, 13:8, 63:25  
**good-bye** [1] - 32:14  
**goodness** [1] - 60:17  
**Government** [29] - 1:15, 2:13, 4:13, 4:24, 6:15, 8:8, 24:10, 24:12, 24:25, 25:3, 26:21, 27:24, 28:8, 28:22, 28:23, 32:23, 33:7, 33:8, 33:12, 33:14, 34:4, 34:24, 35:5, 35:10, 36:10, 37:22, 42:9, 60:3, 60:12

**Government's** [8] - 3:10, 9:15, 44:13, 44:20, 44:23, 51:13, 56:3, 58:25  
**GP** [1] - 19:22  
**graduate** [1] - 15:14  
**graduated** [1] - 15:20  
**grams** [1] - 28:5  
**grand** [3] - 23:23, 24:24, 25:3  
**granted** [1] - 9:2  
**great** [2] - 39:2, 40:6  
**greater** [1] - 40:9  
**greatly** [1] - 40:12  
**guarantee** [6] - 34:13, 39:15, 39:20, 45:14, 45:15, 46:12  
**guarantees** [4] - 38:23, 39:19, 40:7, 53:3  
**guess** [4] - 9:20, 16:14, 20:19, 46:25  
**Guidelines** [23] - 28:6, 28:10, 28:11, 28:18, 29:13, 39:1, 39:23, 40:9, 45:22, 46:20, 47:18, 47:21, 47:22, 48:2, 48:3, 48:4, 48:8, 48:13,

48:18, 50:9, 50:11, 50:13, 50:22  
**guilt** [4] - 35:21, 36:3, 36:23, 54:7  
**Guilty** [6] - 11:14, 26:23, 30:10, 30:18, 30:21, 31:21  
**guilty** [57] - 5:15, 14:15, 22:24, 22:25, 24:20, 25:1, 25:13, 25:16, 26:20, 32:3, 32:18, 34:1, 34:4, 34:8, 34:11, 34:16, 34:25, 35:2, 36:15, 36:18, 37:1, 37:3, 37:15, 37:20, 39:18, 40:11, 41:4, 41:6, 41:10, 43:16, 43:18, 46:17, 46:18, 46:19, 49:5, 49:9, 52:3, 52:15, 52:17, 52:18, 53:1, 53:2, 53:4, 54:2, 54:10, 54:12, 55:3, 56:15, 56:20, 56:21, 56:22, 56:23, 57:3, 58:20

---

## H

---

**H.C** [3] - 42:13, 42:18, 42:19  
**H.C.'s** [2] - 42:12, 42:15  
**hair** [1] - 6:6  
**halfway** [1] - 25:23  
**hand** [1] - 10:2  
**happy** [2] - 4:11, 5:19  
**hard** [2] - 6:14, 60:13  
**hay** [1] - 6:6  
**head** [2] - 6:4, 13:4  
**Health** [2] - 3:9, 3:16  
**health** [1] - 20:6  
**hear** [6] - 4:11, 6:20, 8:5, 22:10, 52:20, 52:22  
**heard** [3] - 13:2, 52:14, 52:25  
**HEARING** [1] - 1:10  
**hearing** [2] - 5:23, 12:9  
**held** [1] - 61:4  
**hello** [1] - 2:2  
**help** [3] - 12:15, 26:13, 37:5  
**heretofore** [1] - 56:15  
**hesitation** [1] - 50:18  
**high** [3] - 15:15,

15:19, 38:10  
**himself** [2] - 59:12, 61:9  
**hinted** [1] - 13:22  
**history** [1] - 50:14  
**hmm** [1] - 29:9  
**Hoffman** [2] - 3:13, 3:14  
**hold** [2] - 26:3, 26:11  
**hollered** [1] - 7:12  
**home** [6] - 15:6, 19:7, 19:10, 19:24, 20:14, 21:23  
**Honor** [70] - 2:3, 2:12, 2:15, 2:18, 2:25, 3:25, 4:2, 4:3, 4:4, 4:16, 4:23, 4:25, 6:20, 7:22, 8:4, 8:17, 9:8, 9:18, 16:16, 16:22, 17:1, 17:2, 27:2, 27:7, 27:8, 27:18, 27:19, 27:20, 28:11, 28:13, 28:15, 28:19, 28:21, 29:8, 29:10, 29:15, 30:2, 30:9, 40:16, 40:21, 41:19, 42:6, 42:8, 45:6, 45:7, 46:11, 47:4, 47:15, 50:15, 52:23, 54:25, 55:1, 55:4, 55:5, 55:12, 55:13, 55:19, 55:20, 55:23, 55:24, 59:7, 59:8, 60:20, 62:17, 64:2, 64:14, 64:16, 64:18  
**Honor's** [2] - 27:23, 28:3  
**HONORABLE** [1] - 1:9  
**horribly** [1] - 40:5  
**horse** [1] - 5:9  
**horses** [1] - 5:14  
**hospital** [1] - 21:12  
**hours** [4] - 18:11, 21:6, 29:6, 29:7  
**house** [1] - 25:23  
**housekeeping** [1] - 43:2

---

## I

---

**idea** [5] - 14:4, 32:7, 38:1, 45:10, 59:25  
**ignorance** [1] - 57:24  
**Il** [1] - 42:21  
**illegal** [1] - 38:10  
**illness** [1] - 21:9  
**imagine** [2] - 59:13, 62:19

**imagined** [1] - 4:10  
**immediate** [2] - 43:20, 58:19  
**implications** [1] - 4:9  
**important** [8] - 3:20, 10:12, 10:13, 10:20, 10:21, 14:14, 25:17, 48:18  
**impose** [3] - 38:7, 38:9, 46:9  
**imprisonment** [1] - 47:5  
**improper** [1] - 24:23  
**IN** [1] - 1:1  
**inactive** [1] - 17:24  
**inadvertence** [1] - 57:24  
**incarceration** [1] - 39:10  
**inclined** [1] - 43:6  
**included** [1] - 50:14  
**including** [5] - 11:9, 24:24, 35:19, 41:5, 58:15  
**independent** [1] - 58:3  
**Indictment** [14] - 11:2, 11:3, 23:22, 24:2, 24:9, 24:16, 24:20, 24:23, 27:9, 41:11, 56:15, 56:19, 58:7, 58:21  
**indirect** [1] - 58:15  
**indirectly** [1] - 63:25  
**indulgence** [1] - 2:5  
**indulging** [1] - 2:7  
**ineffective** [1] - 6:2  
**inference** [1] - 36:3  
**informal** [1] - 8:15  
**information** [7] - 3:19, 8:14, 38:25, 40:1, 56:5, 59:21, 60:23  
**informed** [2] - 57:20, 57:21  
**innocent** [1] - 34:22  
**inquire** [2] - 45:5, 61:2  
**instance** [1] - 5:13  
**instructed** [1] - 13:21  
**insurance** [2] - 20:6, 22:8  
**intact** [1] - 25:1  
**intelligent** [1] - 40:1  
**intelligently** [1] - 57:23  
**intended** [1] - 42:1  
**intense** [1] - 8:12  
**intensive** [1] - 8:7

**intent** [1] - 42:4  
**intention** [3] - 24:10, 32:3, 54:2  
**intentionally** [1] - 32:10  
**interests** [1] - 53:25  
**internist** [1] - 19:22  
**interpreter** [1] - 12:14  
**investigated** [2] - 32:24, 33:12  
**investigating** [2] - 32:25, 59:19  
**investigation** [2] - 59:10, 59:14  
**Investigation** [1] - 60:4  
**involved** [2] - 47:3, 47:23  
**Iran** [1] - 22:6  
**issue** [11] - 3:9, 3:23, 4:5, 4:6, 32:21, 42:14, 43:12, 48:23, 56:7, 58:24, 60:18  
**issues** [8] - 4:6, 4:19, 5:10, 5:12, 33:2, 43:2, 57:16, 60:16  
**issuing** [1] - 42:20

---

## J

---

**jail** [7] - 19:4, 19:5, 19:6, 19:7, 25:10, 45:23, 46:1  
**JANUARY** [1] - 1:8  
**January** [1] - 7:6  
**Jason** [2] - 42:16, 42:19  
**job** [4] - 10:11, 10:13, 18:7, 59:19  
**Joe** [1] - 2:25  
**join** [1] - 42:1  
**joined** [1] - 41:25  
**joke** [1] - 7:13  
**JOSEPH** [1] - 1:19  
**judge** [5] - 33:18, 34:12, 36:22, 45:24  
**Judge** [13] - 2:23, 5:8, 5:16, 5:25, 6:10, 7:7, 7:20, 9:14, 30:16, 52:20, 63:4, 64:24, 64:25  
**judgment** [1] - 46:18  
**July** [1] - 42:11  
**juncture** [1] - 58:4  
**jurisdictions** [2] - 17:13, 17:19  
**jury** [10] - 23:23, 24:24, 25:3, 26:4,



34:8, 34:12, 34:17,  
34:19, 36:14, 36:22  
**justice** [1] - 58:17  
**Justice** [1] - 23:4

---

## K

---

**KATHLEEN** [1] -  
1:22  
**Kathleen** [1] - 65:14  
**Kay** [1] - 2:14  
**KAY** [1] - 1:12  
**keen** [1] - 39:22  
**keep** [2] - 28:20, 29:9  
**kind** [6] - 18:11,  
18:24, 21:9, 31:24,  
33:8, 46:8  
**kinds** [1] - 14:1  
**knowing** [5] - 5:22,  
42:1, 52:15, 57:23,  
58:16  
**knowingly** [1] -  
14:13  
**known** [1] - 39:24  
**knows** [3] - 7:15,  
9:24, 21:2

---

## L

---

**Labor** [1] - 2:16  
**language** [2] - 12:6,  
27:16  
**languages** [1] - 12:4  
**last** [9] - 2:22, 10:5,  
18:11, 18:19, 19:17,  
20:11, 21:6, 30:20,  
30:21  
**lasting** [1] - 25:18  
**lastly** [1] - 29:2  
**laundry** [1] - 43:1  
**law** [2] - 46:20, 59:24  
**lawfulness** [1] - 7:12  
**lawyer** [18] - 8:16,  
22:23, 22:25, 23:4,  
23:5, 23:6, 35:8,  
35:18, 36:10, 37:5,  
37:7, 37:8, 44:13,  
44:20, 51:13, 52:19,  
59:21  
**lawyer-client** [1] -  
8:16  
**lawyers** [24] - 6:2,  
6:8, 10:8, 12:21, 23:9,  
24:1, 24:12, 24:25,  
25:3, 26:21, 31:18,  
31:21, 33:24, 34:18,  
47:17, 51:16, 51:24,  
52:8, 54:20, 54:23,  
58:25, 59:2, 59:20,

59:25  
**lay** [1] - 43:12  
**laying** [1] - 43:8  
**learn** [1] - 39:3  
**least** [10] - 7:18,  
24:5, 24:10, 28:17,  
34:13, 38:8, 42:2,  
42:3, 46:17, 55:17  
**leave** [1] - 9:11  
**legal** [4] - 18:4, 18:6,  
55:17, 58:10  
**legitimate** [4] - 11:9,  
41:23, 42:14, 42:23  
**length** [4] - 3:13,  
46:7, 53:11, 58:18  
**less** [2] - 27:13,  
28:18  
**level** [1] - 50:19  
**license** [3] - 17:20,  
26:14, 51:21  
**licensed** [4] - 17:10,  
17:14, 62:4, 63:24  
**licenses** [2] - 17:18,  
17:23  
**licensing** [3] - 26:5,  
26:11, 51:19  
**lifetime** [2] - 27:22,  
47:6

**light** [1] - 4:18  
**likely** [1] - 13:17  
**likewise** [1] - 33:21  
**limitation** [1] - 39:9  
**limited** [1] - 37:21  
**line** [1] - 3:3  
**list** [1] - 43:1  
**listened** [1] - 7:20  
**listing** [1] - 3:9  
**lived** [1] - 15:9  
**lives** [1] - 15:11  
**LLP** [1] - 1:18  
**lo** [1] - 33:3  
**local** [2] - 22:7, 22:9  
**long-lasting** [1] -  
25:18  
**look** [7] - 3:17, 31:6,  
46:19, 47:10, 48:2,  
56:5, 56:6  
**looking** [4] - 3:16,  
6:2, 11:14, 48:13  
**lose** [4] - 25:21,  
25:22, 26:3, 26:4  
**loud** [1] - 13:3  
**loudly** [1] - 12:13  
**lower** [1] - 50:19

---

## M

---

**M.D** [1] - 17:6  
**machine** [1] - 1:25

**magistrate** [1] -  
33:18  
**mail** [2] - 61:19  
**mailed** [1] - 61:16  
**major** [2] - 27:7,  
29:12  
**mandatory** [2] -  
27:21, 47:5  
**manner** [2] - 32:20,  
33:7  
**manual** [1] - 28:12  
**Market** [1] - 1:23  
**Marshal** [2] - 63:10,  
63:14  
**Mary** [1] - 2:14  
**MARY** [1] - 1:12  
**material** [2] - 3:9,  
59:15  
**matter** [7] - 6:19,  
22:24, 23:19, 48:2,  
56:11, 59:24, 65:10  
**matters** [3] - 3:4,  
18:6, 24:11  
**maximum** [3] - 47:2,  
47:5, 55:16  
**mean** [7] - 7:4, 7:7,  
49:5, 60:25, 62:22,  
62:23, 63:4  
**meaning** [2] - 5:1,  
60:11  
**means** [11] - 9:16,  
13:1, 13:2, 13:8,  
13:11, 32:9, 36:15,  
38:6, 51:3, 56:1,  
60:14  
**meant** [2] - 43:1,  
62:23  
**Medical** [1] - 17:9  
**medical** [9] - 11:9,  
17:5, 19:18, 26:6,  
26:12, 26:14, 41:23,  
42:23, 51:21  
**medication** [7] -  
19:1, 19:5, 19:9, 20:8,  
20:25, 21:2, 63:24  
**medications** [1] -  
61:8  
**medicine** [4] - 18:10,  
20:9, 20:13, 20:14  
**meds** [3] - 62:4,  
64:4, 64:7  
**meet** [1] - 2:18  
**MEHDI** [1] - 1:5  
**mEHDI** [1] - 10:3  
**Mehdi** [6] - 10:6,  
11:18, 11:21, 12:3,  
56:14, 57:13  
**Meissler** [5] - 20:22,  
21:2, 60:21, 61:11,  
61:20

**melodiously** [1] -  
51:14  
**member** [1] - 41:24  
**memo** [2] - 60:12  
**memoranda** [1] -  
60:11  
**mental** [1] - 21:9  
**mentioned** [3] -  
23:21, 24:5, 43:13  
**merely** [1] - 13:4  
**met** [2] - 23:3, 23:7  
**Michael** [2] - 20:19,  
21:1  
**microphone** [1] -  
12:24  
**might** [10] - 5:12,  
24:22, 32:13, 33:13,  
37:13, 52:16, 53:1,  
53:23, 53:24  
**Mike** [1] - 10:16  
**million** [1] - 47:7  
**mind** [1] - 59:4  
**minimum** [3] - 27:21,  
47:2, 47:5  
**ministerial** [1] - 43:2  
**minute** [3] - 8:13,  
39:11, 40:10  
**minutes** [1] - 43:4  
**miscarriage** [1] -  
58:17  
**Mitchell** [2] - 42:16,  
42:18  
**moment** [5] - 38:5,  
38:7, 42:25, 43:7,  
45:3  
**Monday** [8] - 4:11,  
9:17, 10:17, 34:5,  
52:16, 53:4, 58:13,  
65:4  
**Monday's** [1] - 2:9  
**money** [1] - 18:8  
**monthly** [1] - 62:16  
**months** [15] - 16:15,  
16:16, 18:21, 18:23,  
18:25, 19:5, 19:6,  
19:14, 27:13, 27:14,  
28:16, 40:6, 45:23,  
57:6  
**moot** [3] - 4:19, 5:1,  
5:11  
**morning** [6] - 2:19,  
3:11, 8:20, 8:25,  
60:10, 60:21  
**most** [3] - 15:6,  
38:21, 39:16  
**motion** [10] - 3:7,  
3:13, 3:21, 4:7, 7:18,  
7:19, 7:24, 8:1, 9:2,  
9:5  
**motions** [2] - 8:6,

33:24  
**move** [4] - 10:14,  
10:20, 24:10, 27:25  
**moving** [1] - 44:12  
**MR** [105] - 2:5, 2:12,  
2:18, 2:22, 2:25, 3:14,  
3:25, 4:2, 4:4, 4:16,  
4:18, 4:23, 5:3, 5:6,  
5:8, 5:15, 5:18, 5:25,  
6:10, 6:12, 6:14, 6:17,  
6:23, 7:11, 7:20, 7:22,  
8:17, 9:3, 9:7, 9:12,  
9:14, 14:23, 14:25,  
16:16, 16:18, 16:22,  
17:1, 17:2, 27:2, 27:4,  
27:7, 27:18, 28:11,  
28:15, 28:19, 28:21,  
29:8, 29:10, 29:15,  
29:21, 29:24, 30:2,  
30:5, 30:9, 30:12,  
30:13, 30:15, 30:16,  
40:16, 40:21, 40:23,  
41:2, 41:17, 41:19,  
42:8, 45:6, 45:7, 47:4,  
47:15, 50:15, 50:18,  
52:20, 52:22, 54:25,  
55:1, 55:4, 55:5,  
55:12, 55:13, 55:19,  
55:20, 55:23, 55:24,  
59:7, 59:8, 60:20,  
60:24, 61:2, 62:17,  
62:19, 62:22, 62:25,  
63:3, 63:7, 63:12,  
63:14, 63:16, 63:19,  
64:2, 64:16, 64:18,  
64:21, 64:24, 64:25,  
65:2  
**MS** [6] - 2:14, 2:20,  
2:24, 4:3, 9:18, 16:23  
**must** [2] - 13:1,  
19:15

---

## N

---

**N-I-K-P-A-R-V-A-R-**  
**F-A-R-D** [1] - 10:7  
**name** [7] - 10:5,  
11:17, 11:18, 11:24,  
12:1, 61:18  
**names** [1] - 11:20  
**Narberth** [1] - 15:7  
**narcotic** [1] - 21:9  
**naturalization** [1] -  
15:2  
**nature** [1] - 55:16  
**necessary** [1] - 5:5  
**need** [4] - 12:14,  
40:19, 40:24, 48:1  
**needs** [1] - 63:21

**never** [7] - 6:13,  
25:25, 26:6, 26:16,  
40:4, 51:20, 59:4  
**nevertheless** [1] -  
42:15  
**new** [2] - 48:10  
**New** [2] - 17:15,  
17:22  
**next** [7] - 12:20,  
28:21, 43:4, 43:15,  
46:3, 62:15, 63:22  
**nightmare** [1] -  
53:22  
**Nikparvar** [9] - 2:10,  
2:19, 2:24, 3:1, 10:6,  
11:18, 12:3, 56:14,  
57:13  
**NIKPARVAR** [2] -  
1:5, 10:3  
**Nikparvar-Fard** [9] -  
2:10, 2:19, 2:24, 3:1,  
10:6, 11:18, 12:3,  
56:14, 57:13  
**NIKPARVAR-FARD**  
[2] - 1:5, 10:3  
**NO** [1] - 1:5  
**nobody** [1] - 46:12  
**noise** [1] - 43:11  
**none** [8] - 7:17, 8:1,  
30:9, 40:2, 48:10,  
54:10, 54:25, 59:4  
**note** [1] - 4:12  
**nothing** [2] - 33:2,  
43:14  
**notion** [1] - 43:3  
**notwithstanding** [1]  
- 3:5  
**nowhere** [1] - 41:1  
**number** [8] - 3:4,  
12:19, 23:9, 24:8,  
25:17, 30:22, 45:9,  
45:10  
**Number** [3] - 42:13,  
56:15, 57:14

---

## O

---

**o'clock** [1] - 63:4  
**oath** [2] - 13:8, 13:15  
**object** [3] - 29:1,  
32:21, 35:10  
**objections** [3] - 60:2,  
60:5, 60:8  
**objective** [2] - 42:3,  
42:5  
**objectives** [1] - 42:1  
**obligations** [3] -  
39:23, 45:20, 55:10  
**obliged** [3] - 47:21,

56:6, 60:3  
**obtain** [1] - 33:7  
**obtained** [1] - 33:8  
**occurred** [1] - 43:13  
**occurs** [1] - 42:24  
**odd** [1] - 37:23  
**OF** [4] - 1:2, 1:3,  
1:10, 1:11  
**offense** [1] - 58:20  
**offer** [2] - 35:11,  
35:15  
**offered** [1] - 35:10  
**office** [2] - 22:5, 26:4  
**Office** [1] - 60:4  
**OFFICE** [1] - 1:11  
**officer** [5] - 20:19,  
20:20, 59:19, 59:21,  
61:8  
**officers** [1] - 61:10  
**Official** [2] - 1:22,  
65:14  
**officials** [1] - 47:10  
**Ohio** [2] - 17:15,  
17:22  
**old** [1] - 15:4  
**One** [2] - 27:25,  
56:16  
**one** [27] - 3:4, 4:5,  
9:10, 9:16, 11:12,  
13:18, 24:16, 31:17,  
35:9, 36:16, 40:17,  
40:23, 42:2, 42:3,  
42:25, 43:9, 45:10,  
50:20, 51:20, 53:10,  
60:12, 60:13, 61:11,  
61:14  
**ones** [1] - 8:12  
**opened** [1] - 2:1  
**operate** [1] - 50:23  
**opinions** [1] - 9:23  
**opportunity** [7] -  
11:1, 23:16, 23:25,  
32:11, 44:10, 44:18,  
59:22  
**oppositions** [1] -  
4:14  
**options** [1] - 40:12  
**order** [2] - 3:8, 59:9  
**orders** [1] - 3:10  
**organizer/leader** [1]  
- 28:24  
**original** [1] - 30:10  
**originally** [1] - 54:12  
**ourselves** [1] - 6:17  
**outside** [3] - 11:7,  
41:22, 42:22  
**overall** [1] - 11:15  
**overseas** [1] - 21:23  
**own** [5] - 32:4, 35:11,  
35:15, 44:10, 54:17

**Oxycodone** [2] -  
28:5, 41:22

---

## P

---

**PA** [4] - 1:14, 1:17,  
1:20, 1:24  
**pads** [3] - 11:10,  
42:17, 42:18  
**page** [3] - 29:11,  
30:20, 30:21  
**pain** [1] - 42:20  
**papers** [1] - 57:10  
**pardon** [3] - 18:22,  
20:17, 21:20  
**PARISI** [35] - 1:12,  
2:12, 4:2, 16:16,  
16:22, 27:2, 27:4,  
27:7, 27:18, 28:11,  
28:15, 28:19, 28:21,  
29:8, 29:10, 29:15,  
41:17, 41:19, 42:8,  
45:6, 47:4, 50:15,  
50:18, 55:1, 55:5,  
55:13, 55:20, 55:24,  
59:8, 60:20, 60:24,  
61:2, 64:16, 64:25,  
65:2  
**Parisi** [8] - 2:13,  
27:1, 41:16, 43:20,  
46:25, 47:9, 47:22,  
50:12  
**Parisi's** [1] - 30:23  
**parole** [2] - 50:3,  
50:5  
**part** [5] - 40:13,  
49:17, 50:23, 57:10  
**participate** [1] -  
34:18  
**particular** [5] -  
11:12, 11:15, 37:23,  
37:25, 61:6  
**particularly** [1] -  
11:11  
**parties** [1] - 27:12  
**party** [1] - 41:24  
**past** [4] - 6:7, 8:19,  
8:22, 11:17  
**pause** [1] - 39:2  
**peace** [1] - 53:15  
**penalties** [2] - 47:2,  
55:16  
**penalty** [1] - 47:5  
**pending** [1] - 7:24  
**Penn** [2] - 15:24  
**PENNSYLVANIA** [2]  
- 1:2, 1:7  
**Pennsylvania** [6] -  
1:13, 3:8, 15:8, 17:15,

17:24, 25:22  
**people** [9] - 7:23,  
10:15, 10:21, 10:25,  
26:11, 34:19, 36:16,  
55:10, 65:4  
**perceived** [1] - 3:16  
**percent** [1] - 34:22  
**perfectly** [1] - 4:11  
**perhaps** [1] - 5:13  
**period** [2] - 27:21,  
52:10  
**periodically** [1] -  
61:25  
**perjury** [1] - 13:18  
**Persian** [1] - 12:6  
**persist** [1] - 45:13  
**person** [2] - 59:4,  
62:6  
**persons** [1] - 41:20  
**pertinent** [2] - 27:8,  
57:16  
**PHILADELPHIA** [1] -  
1:7  
**Philadelphia** [4] -  
1:14, 1:17, 1:20, 1:24  
**phone** [1] - 3:11  
**phrase** [1] - 7:9  
**physical** [1] - 42:9  
**physician** [2] - 62:5,  
63:24  
**pills** [1] - 18:11  
**place** [15] - 18:2,  
25:15, 32:19, 34:1,  
37:16, 37:20, 38:18,  
40:11, 40:12, 43:6,  
49:17, 51:5, 59:16,  
63:17, 63:22  
**plan** [2] - 20:3, 39:8  
**planning** [2] - 19:20,  
20:5  
**plea** [51] - 4:25, 5:10,  
5:15, 5:18, 5:23, 6:7,  
7:1, 8:4, 11:1, 11:2,  
14:13, 14:15, 25:1,  
25:13, 27:11, 27:15,  
27:24, 29:11, 32:18,  
34:1, 37:1, 37:20,  
39:18, 39:21, 40:11,  
41:16, 43:18, 45:14,  
46:5, 46:19, 49:5,  
49:9, 51:25, 52:5,  
53:9, 54:10, 54:13,  
54:24, 55:6, 55:8,  
55:14, 55:22, 56:2,  
56:10, 57:18, 57:21,  
58:4, 58:8, 58:17  
**Plea** [17] - 11:14,  
26:23, 27:19, 29:5,  
29:12, 29:17, 30:3,  
30:8, 30:11, 30:19,

30:21, 31:21, 31:25,  
45:14, 46:4, 55:7,  
57:25  
**PLEA** [1] - 1:10  
**plea's** [1] - 5:11  
**plead** [26] - 22:24,  
22:25, 24:20, 24:25,  
25:13, 26:20, 27:9,  
32:3, 34:4, 34:8,  
34:11, 34:16, 41:4,  
41:10, 43:16, 46:16,  
52:3, 52:15, 52:17,  
52:18, 53:1, 53:2,  
53:4, 54:2, 55:3,  
56:20  
**pleading** [2] - 37:15,  
56:22  
**pled** [2] - 54:12,  
56:15  
**plenty** [1] - 6:6  
**plural** [2] - 8:3, 60:11  
**point** [9] - 3:19, 5:20,  
17:25, 26:1, 38:17,  
40:23, 43:17, 45:3,  
51:4  
**pointed** [1] - 16:5  
**points** [3] - 29:3,  
29:7, 29:12  
**Poluka** [3] - 2:25,  
6:4, 7:14  
**poluka** [1] - 23:12  
**POLUKA** [13] - 1:19,  
2:5, 2:25, 7:22, 8:17,  
9:3, 9:7, 9:12, 14:23,  
14:25, 17:2, 30:12,  
30:15  
**position** [1] - 28:24  
**possibilities** [1] -  
58:11  
**possible** [3] - 26:16,  
55:16, 56:11  
**post** [1] - 62:22  
**posture** [1] - 58:23  
**potential** [1] - 4:24  
**practice** [4] - 11:8,  
41:22, 42:23, 51:14  
**practicing** [1] - 62:4  
**PRATTER** [1] - 1:9  
**pre** [5] - 11:10,  
42:17, 42:18, 60:18,  
61:6  
**pre-sentence** [2] -  
60:18, 61:6  
**pre-signed** [2] -  
42:17, 42:18  
**pre-signing** [1] -  
11:10  
**predicate** [1] - 44:11  
**prepare** [1] - 59:19  
**prescribed** [2] -



18:17, 19:13  
**prescribing** [1] - 62:5  
**prescription** [5] - 11:10, 18:20, 18:24, 20:4, 42:17  
**prescriptions** [5] - 3:10, 42:14, 42:21, 42:22, 63:21  
**presence** [1] - 35:6  
**present** [2] - 35:19, 59:20  
**presentation** [1] - 57:15  
**presented** [1] - 42:9  
**presentence** [6] - 39:4, 46:21, 48:9, 49:2, 59:9, 59:18  
**Presentence** [1] - 60:4  
**presently** [1] - 16:8  
**presumed** [1] - 34:21  
**Pretrial** [5] - 20:21, 61:7, 61:16, 62:20, 62:23  
**pretrial** [4] - 18:1, 48:8, 59:12, 62:21  
**pretty** [2] - 38:18, 62:10  
**previous** [1] - 61:15  
**previously** [1] - 11:1  
**previously-entered** [1] - 11:1  
**primarily** [1] - 10:9  
**primary** [3] - 10:11, 12:4, 12:6  
**prison** [5] - 25:23, 46:2, 46:3, 49:25, 50:5  
**privately** [1] - 12:22  
**privilege** [2] - 32:11, 32:12  
**probation** [3] - 20:20, 59:21, 61:10  
**Probation** [4] - 48:9, 59:10, 59:15, 62:22  
**problem** [2] - 25:25, 59:14  
**problematic** [2] - 39:4, 51:19  
**problems** [2] - 16:21, 60:2  
**proceed** [1] - 42:9  
**proceeding** [2] - 10:9, 24:24  
**proceedings** [5] - 22:23, 32:9, 33:18, 33:22, 65:9  
**produced** [1] - 1:25  
**professional** [4] -

11:8, 41:22, 42:22, 51:18  
**promises** [2] - 31:24, 57:25  
**proposal** [1] - 41:10  
**proposed** [4] - 28:17, 29:12, 39:1, 39:5  
**prosecution** [2] - 13:18, 47:24  
**prosecutions** [1] - 48:7  
**prove** [3] - 34:4, 34:25, 58:6  
**proven** [1] - 44:24  
**provide** [1] - 42:17  
**provided** [1] - 42:18  
**provides** [1] - 20:7  
**psychiatrist** [1] - 21:16  
**psychologist** [4] - 21:16, 21:19, 21:21, 21:23  
**public** [1] - 26:4  
**pulling** [1] - 6:5  
**punishable** [1] - 25:9  
**punishment** [3] - 40:8, 51:6, 51:8  
**purpose** [4] - 11:9, 41:23, 42:4, 42:23  
**purposes** [7] - 32:8, 43:20, 46:17, 48:18, 57:14, 58:19  
**pursuant** [1] - 27:11  
**pursue** [1] - 58:15  
**pushed** [1] - 50:19  
**put** [6] - 3:12, 3:22, 18:2, 43:6, 49:17, 63:21  
**putting** [1] - 63:17

## Q

**quantity** [6] - 19:9, 47:23, 48:17, 48:19, 48:23, 50:10  
**Querns** [5] - 2:24, 7:14, 23:12, 29:20, 29:24  
**QUERNS** [4] - 1:19, 2:20, 2:24, 4:3  
**questions** [13] - 3:18, 12:20, 13:3, 13:16, 13:23, 14:1, 14:9, 29:23, 30:24, 43:15, 43:19, 54:22  
**quite** [3] - 3:3, 6:22, 40:9

## R

**raise** [3] - 10:2, 35:21, 43:1  
**raised** [1] - 3:17  
**random** [1] - 62:16  
**range** [6] - 27:12, 28:1, 28:12, 28:15, 49:3, 50:20  
**rare** [2] - 37:21, 38:14  
**rather** [4] - 8:21, 37:21, 38:14, 55:9  
**reached** [1] - 8:8  
**read** [3] - 23:23, 31:11, 59:22  
**ready** [5] - 9:17, 9:18, 10:22, 15:14, 34:5  
**real** [2] - 4:10, 11:24  
**really** [8] - 6:8, 9:21, 45:16, 46:14, 48:1, 48:4, 48:14, 57:3  
**reason** [2] - 37:22, 52:8  
**reasonable** [4] - 34:25, 35:21, 36:17, 36:23  
**receive** [2] - 29:3, 38:24  
**received** [1] - 61:16  
**recent** [1] - 15:6  
**recently** [1] - 18:1  
**recognize** [2] - 43:8, 48:22  
**recognizing** [4] - 39:18, 53:2, 56:1, 56:10  
**recommend** [3] - 28:1, 59:18, 60:6  
**recommendation** [4] - 27:16, 39:22, 45:18  
**recommended** [1] - 27:12  
**record** [17] - 3:5, 3:12, 3:22, 10:5, 12:25, 25:17, 40:20, 47:2, 50:8, 50:24, 57:10, 57:11, 58:2, 61:4, 61:23, 63:9, 65:9  
**referenced** [2] - 40:8, 41:15  
**refilled** [1] - 20:8  
**reflecting** [1] - 56:11  
**registration** [2] - 11:12, 42:15  
**Registration** [1] - 42:12  
**relate** [1] - 50:13  
**related** [1] - 57:10  
**relating** [1] - 41:7  
**relationship** [1] - 8:16  
**relatively** [1] - 17:25  
**release** [9] - 18:2, 27:21, 27:22, 46:8, 47:6, 49:24, 59:12, 60:18, 61:6  
**released** [1] - 50:5  
**remain** [2] - 59:13, 60:17  
**remains** [9] - 9:21, 25:1, 25:15, 32:19, 34:1, 37:16, 37:20, 38:18, 51:5  
**reminded** [1] - 48:22  
**remove** [2] - 39:23, 45:20  
**renew** [3] - 17:23, 19:2, 19:3  
**renewed** [1] - 20:4  
**repeat** [2] - 52:11, 52:23  
**repeatedly** [1] - 58:2  
**report** [15] - 3:17, 39:4, 46:21, 49:2, 49:4, 49:10, 59:10, 59:14, 59:19, 59:22, 60:1, 60:2, 60:6, 62:19, 62:20  
**reported** [1] - 60:16  
**Reporter** [2] - 1:22, 65:14  
**reporter** [1] - 4:1  
**reports** [1] - 48:9  
**represent** [4] - 6:8, 23:5, 23:6, 37:9  
**representation** [3] - 6:25, 23:19, 43:12  
**representations** [1] - 58:1  
**represented** [2] - 3:15, 22:23  
**representing** [1] - 6:3  
**requests** [1] - 3:9  
**required** [1] - 34:25  
**requirement** [1] - 63:20  
**research** [1] - 58:25  
**reserves** [1] - 28:25  
**resolved** [1] - 3:4  
**respect** [4] - 3:22, 4:6, 57:19, 59:16  
**response** [1] - 43:15  
**responsibility** [1] - 29:3  
**result** [5] - 26:20,

28:12, 28:16, 57:24, 58:16  
**resulted** [1] - 26:22  
**return** [1] - 30:25  
**reverse** [1] - 37:13  
**reviewing** [1] - 60:7  
**revisit** [1] - 56:7  
**revisiting** [1] - 57:6  
**rights** [9] - 14:14, 26:3, 32:7, 41:4, 41:6, 52:15, 53:1, 58:10, 58:14  
**Rights** [1] - 30:20  
**rightly** [1] - 41:13  
**Road** [1] - 15:7  
**road** [2] - 8:6, 38:18  
**role** [1] - 11:6  
**ROME** [1] - 1:18  
**room's** [1] - 64:23  
**row** [1] - 9:11  
**RPR** [2] - 1:22, 65:14  
**Rule** [1] - 27:11  
**rules** [1] - 26:10  
**running** [3] - 19:15, 19:16, 62:3  
**runs** [1] - 62:7

## S

**satisfactory** [2] - 13:4, 63:11  
**satisfied** [8] - 6:24, 6:25, 12:8, 14:9, 23:18, 55:6, 55:14, 55:21  
**saw** [1] - 3:19  
**Schedule** [1] - 42:21  
**scheduling** [1] - 4:9  
**scheme** [1] - 11:7  
**school** [4] - 15:15, 15:18, 15:19, 17:4  
**Scott** [1] - 2:16  
**sea** [1] - 8:16  
**search** [1] - 33:8  
**seat** [1] - 10:4  
**seats** [1] - 2:4  
**second** [4] - 28:8, 57:22, 61:14  
**Section** [2] - 11:6, 56:18  
**see** [8] - 2:17, 9:23, 10:16, 19:20, 20:5, 20:7, 30:10, 63:14  
**seeing** [1] - 42:20  
**seek** [1] - 3:8  
**seem** [1] - 51:14  
**sees** [1] - 62:5  
**select** [1] - 34:19  
**send** [1] - 61:19

**sense** [1] - 60:25  
**sent** [4] - 46:2,  
 49:25, 61:19  
**sentence** [22] -  
 27:12, 28:1, 28:17,  
 37:22, 38:11, 38:23,  
 39:2, 39:5, 39:10,  
 39:19, 44:16, 45:16,  
 45:24, 45:25, 46:1,  
 46:10, 46:13, 46:19,  
 46:22, 49:17, 60:18,  
 61:6  
**Sentencing** [3] -  
 47:18, 47:21, 48:13  
**sentencing** [17] -  
 28:1, 28:4, 29:1,  
 39:23, 44:9, 45:2,  
 45:10, 51:13, 52:2,  
 52:9, 57:7, 57:16,  
 58:11, 59:23, 60:9,  
 60:11, 60:14  
**serious** [2] - 10:12,  
 25:9  
**serve** [3] - 26:4,  
 34:19, 49:25  
**Services** [3] - 20:21,  
 61:8, 62:20  
**set** [3] - 30:7, 31:25,  
 60:9  
**sets** [2] - 9:10, 48:23  
**seven** [2] - 60:14,  
 62:15  
**seven-day** [1] -  
 60:14  
**several** [1] - 43:15  
**severe** [1] - 51:9  
**severing** [3] - 43:3,  
 43:5, 43:10  
**shaking** [2] - 6:4,  
 13:4  
**shall** [1] - 42:6  
**shared** [4] - 42:4,  
 59:2, 59:3  
**shoehorn** [1] - 39:25  
**shoehorned** [1] -  
 52:9  
**short** [1] - 27:3  
**shorter** [1] - 30:19  
**shorthand** [2] - 1:25,  
 55:8  
**show** [1] - 30:22  
**side** [1] - 39:10  
**sign** [3] - 30:15,  
 31:3, 32:1  
**signature** [1] - 30:23  
**signature's** [1] - 31:8  
**signatures** [1] -  
 30:22  
**signed** [7] - 30:10,  
 30:16, 31:12, 31:15,  
 31:18, 42:17, 42:18  
**signing** [1] - 11:10  
**simply** [1] - 56:25  
**single** [2] - 35:9,  
 36:16  
**sit** [1] - 58:21  
**sitting** [4] - 12:20,  
 23:10, 36:16, 52:7  
**situation** [2] - 37:23,  
 51:19  
**sixth** [1] - 58:12  
**slowly** [1] - 12:12  
**so-called** [1] - 45:14  
**somewhat** [1] -  
 39:17  
**son** [4] - 15:13,  
 15:14, 15:20, 15:21  
**soon** [1] - 62:10  
**sorry** [2] - 5:18,  
 15:16  
**sort** [2] - 26:11, 43:1  
**sorts** [1] - 11:13  
**sought** [1] - 3:20  
**South** [1] - 1:16  
**speaking** [1] - 12:24  
**Special** [1] - 2:15  
**special** [2] - 27:23,  
 47:7  
**specifically** [1] -  
 11:2  
**SPECTATOR** [1] -  
 14:24  
**sPECTATOR** [1] -  
 15:1  
**speech** [1] - 52:10  
**spell** [1] - 10:5  
**spelled** [1] - 32:13  
**spend** [1] - 7:1  
**spent** [1] - 45:23  
**spoken** [1] - 7:13  
**squabble** [1] - 32:22  
**stage** [1] - 22:23  
**stand** [3] - 9:25,  
 14:23, 56:9  
**standpoint** [1] - 9:15  
**start** [6] - 9:17,  
 10:22, 34:22, 52:16,  
 58:13, 64:10  
**starting** [2] - 34:5,  
 53:4  
**starts** [1] - 4:11  
**stash** [2] - 60:23,  
 60:25  
**State** [2] - 15:24  
**state** [5] - 3:5, 7:14,  
 10:4, 27:5, 47:1  
**statement** [1] - 13:19  
**statements** [1] -  
 32:24  
**states** [3] - 25:23,  
 25:24, 26:10  
**STATES** [3] - 1:1,  
 1:3, 1:11  
**States** [14] - 1:13,  
 2:9, 2:15, 10:15,  
 10:22, 11:5, 14:18,  
 14:19, 17:11, 17:14,  
 36:11, 55:11, 56:18,  
 57:13  
**static** [1] - 43:11  
**status** [1] - 17:18  
**statute** [1] - 47:14  
**statutory** [2] - 40:8,  
 58:14  
**stays** [1] - 40:12  
**steep** [1] - 9:5  
**step** [1] - 23:1  
**stick** [3] - 27:3, 27:4,  
 46:4  
**still** [7] - 2:21, 22:25,  
 41:16, 47:1, 48:1,  
 52:17, 53:3  
**stipulation** [2] -  
 28:21, 29:2  
**stipulations** [1] -  
 28:3  
**stop** [1] - 12:15  
**story** [1] - 52:10  
**straight** [1] - 27:16  
**straightforward** [1] -  
 54:5  
**Street** [4] - 1:14,  
 1:16, 1:20, 1:23  
**strong** [1] - 3:6  
**subpoena** [1] - 35:14  
**substance** [3] -  
 27:11, 41:21, 56:17  
**substances** [4] -  
 11:4, 11:7, 42:14,  
 42:21  
**substantive** [1] -  
 8:24  
**suddenly** [1] - 37:22  
**sufficient** [1] - 23:15  
**suggest** [1] - 45:5  
**suggested** [3] - 7:25,  
 13:22, 46:2  
**suggestion** [1] - 36:3  
**Suite** [2] - 1:14, 1:17  
**summarizes** [1] -  
 43:21  
**summary** [2] - 24:4,  
 51:23  
**Superseding** [14] -  
 11:2, 11:3, 23:22,  
 24:2, 24:9, 24:15,  
 24:20, 24:23, 27:9,  
 41:11, 56:15, 56:19,  
 58:7, 58:20  
**supervised** [5] -  
 27:21, 27:22, 46:8,  
 47:6, 49:24  
**supervision** [4] -  
 16:20, 49:12, 49:16,  
 49:23  
**supply** [2] - 19:14,  
 20:14  
**surprise** [2] - 40:2,  
 59:5  
**suspended** [5] -  
 11:12, 17:20, 17:24,  
 42:13, 42:15  
**sworn** [2] - 10:1,  
 11:16  
**SWORN** [1] - 10:3  
**Syreeta** [1] - 2:16  
**system** [2] - 50:4,  
 50:9  


---

**T**


---

**table** [1] - 31:1  
**tact** [1] - 43:7  
**taxpayer** [1] - 64:22  
**technical** [1] - 60:25  
**Tehran** [2] - 17:9,  
 22:6  
**temporarily** [1] -  
 38:9  
**ten** [1] - 60:10  
**terminated** [1] -  
 17:23  
**terms** [11] - 8:4, 8:8,  
 24:5, 26:11, 27:5,  
 27:8, 29:16, 30:1,  
 44:23, 45:3, 46:4  
**test** [1] - 62:15  
**testify** [6] - 35:6,  
 35:24, 35:25, 36:2,  
 36:4, 36:7  
**testimony** [2] -  
 35:20, 42:10  
**testing** [3] - 61:7,  
 61:21, 63:18  
**tests** [1] - 61:25  
**THE** [527] - 1:1, 1:2,  
 1:9, 1:11, 2:2, 2:4,  
 2:6, 2:17, 2:21, 3:2,  
 3:15, 4:1, 4:5, 4:17,  
 4:21, 5:1, 5:4, 5:7,  
 5:13, 5:17, 5:19, 6:1,  
 6:11, 6:13, 6:16, 6:22,  
 7:9, 7:17, 8:13, 8:23,  
 9:4, 9:9, 9:13, 9:15,  
 9:20, 10:2, 10:4, 10:6,  
 10:8, 10:18, 10:19,  
 10:23, 10:24, 11:19,  
 11:20, 11:21, 11:22,  
 11:23, 11:24, 11:25,  
 12:1, 12:3, 12:4, 12:6,  
 12:8, 12:10, 12:11,  
 12:17, 12:18, 13:6,  
 13:7, 13:10, 13:11,  
 13:14, 13:15, 13:20,  
 13:21, 13:24, 13:25,  
 14:3, 14:4, 14:6, 14:8,  
 14:11, 14:12, 14:16,  
 14:17, 14:18, 14:19,  
 14:21, 14:22, 15:2,  
 15:3, 15:4, 15:5, 15:6,  
 15:7, 15:9, 15:10,  
 15:11, 15:13, 15:14,  
 15:16, 15:17, 15:19,  
 15:21, 15:22, 15:23,  
 15:24, 15:25, 16:1,  
 16:2, 16:4, 16:5, 16:7,  
 16:8, 16:11, 16:12,  
 16:14, 16:15, 16:19,  
 16:24, 17:3, 17:5,  
 17:6, 17:7, 17:8, 17:9,  
 17:10, 17:12, 17:13,  
 17:15, 17:16, 17:17,  
 17:18, 17:20, 17:21,  
 17:22, 17:25, 18:4,  
 18:5, 18:6, 18:7, 18:9,  
 18:10, 18:12, 18:13,  
 18:14, 18:15, 18:16,  
 18:17, 18:18, 18:19,  
 18:21, 18:22, 18:23,  
 18:24, 19:1, 19:2,  
 19:3, 19:5, 19:6, 19:9,  
 19:11, 19:12, 19:14,  
 19:15, 19:16, 19:18,  
 19:20, 19:22, 19:24,  
 19:25, 20:2, 20:3,  
 20:5, 20:9, 20:12,  
 20:13, 20:16, 20:17,  
 20:18, 20:19, 20:21,  
 20:22, 20:24, 21:1,  
 21:4, 21:5, 21:7, 21:8,  
 21:11, 21:12, 21:14,  
 21:15, 21:18, 21:20,  
 21:21, 21:22, 21:23,  
 21:24, 21:25, 22:1,  
 22:2, 22:3, 22:4, 22:5,  
 22:6, 22:7, 22:8,  
 22:10, 22:11, 22:12,  
 22:13, 22:14, 22:15,  
 22:16, 22:18, 22:19,  
 22:21, 22:22, 23:2,  
 23:3, 23:8, 23:9,  
 23:11, 23:12, 23:14,  
 23:15, 23:17, 23:18,  
 23:20, 23:21, 23:24,  
 23:25, 24:3, 24:4,  
 24:7, 24:8, 24:14,  
 24:15, 24:18, 24:19,  
 25:5, 25:6, 25:8, 25:9,  
 25:11, 25:12, 25:19,

25:20, 26:8, 26:9,  
26:15, 26:16, 26:18,  
26:19, 26:24, 26:25,  
27:3, 27:5, 27:15,  
28:10, 28:14, 28:17,  
28:20, 29:6, 29:9,  
29:13, 29:16, 29:18,  
29:19, 29:22, 29:25,  
30:3, 30:6, 30:10,  
30:17, 31:2, 31:3,  
31:5, 31:6, 31:7, 31:8,  
31:10, 31:11, 31:13,  
31:14, 31:16, 31:17,  
31:19, 31:20, 31:22,  
31:23, 32:2, 32:3,  
32:5, 32:6, 32:16,  
32:17, 33:5, 33:6,  
33:10, 33:11, 33:16,  
33:17, 33:20, 33:21,  
34:2, 34:3, 34:6, 34:7,  
34:10, 34:11, 34:15,  
34:16, 34:20, 34:21,  
34:23, 34:24, 35:3,  
35:4, 35:7, 35:8,  
35:12, 35:13, 35:17,  
35:18, 35:22, 35:23,  
36:1, 36:2, 36:5, 36:6,  
36:8, 36:9, 36:12,  
36:13, 36:20, 36:21,  
36:25, 37:1, 37:6,  
37:7, 37:11, 37:12,  
37:14, 37:15, 37:18,  
37:19, 38:4, 38:5,  
38:13, 38:14, 38:16,  
38:17, 38:20, 38:21,  
39:13, 39:14, 40:14,  
40:15, 40:18, 40:22,  
40:24, 41:3, 41:8,  
41:9, 41:12, 41:13,  
41:18, 42:7, 42:24,  
43:22, 43:23, 43:25,  
44:1, 44:2, 44:3, 44:5,  
44:6, 44:15, 44:17,  
44:21, 44:22, 45:1,  
45:2, 45:8, 45:12,  
45:13, 45:17, 45:18,  
46:6, 46:7, 46:11,  
46:12, 46:15, 46:16,  
46:24, 46:25, 47:8,  
47:12, 47:13, 47:16,  
47:19, 47:20, 47:25,  
48:1, 48:5, 48:6,  
48:11, 48:12, 48:15,  
48:16, 48:20, 48:21,  
48:24, 48:25, 49:7,  
49:8, 49:11, 49:12,  
49:14, 49:15, 49:19,  
49:20, 49:21, 49:22,  
50:2, 50:3, 50:7, 50:8,  
50:16, 50:21, 50:25,  
51:1, 51:2, 51:3, 51:7,

51:8, 51:11, 51:12,  
51:17, 51:18, 51:22,  
51:23, 52:21, 52:25,  
53:5, 53:6, 53:8, 53:9,  
53:12, 53:13, 53:14,  
53:16, 53:18, 53:19,  
53:20, 53:21, 53:22,  
53:23, 53:24, 54:1,  
54:4, 54:5, 54:8, 54:9,  
54:11, 54:12, 54:15,  
54:16, 54:18, 54:19,  
54:21, 54:22, 55:2,  
55:6, 55:14, 55:21,  
55:25, 56:12, 56:13,  
56:14, 56:21, 56:22,  
56:24, 56:25, 57:2,  
57:3, 57:4, 57:5, 57:8,  
57:9, 59:9, 60:22,  
60:25, 61:3, 61:5,  
61:10, 61:12, 61:14,  
61:17, 61:18, 61:20,  
61:24, 62:1, 62:2,  
62:8, 62:9, 62:11,  
62:12, 62:13, 62:14,  
62:18, 62:21, 62:24,  
63:1, 63:5, 63:10,  
63:13, 63:15, 63:17,  
63:20, 64:3, 64:4,  
64:5, 64:6, 64:8, 64:9,  
64:12, 64:13, 64:15,  
64:20, 64:22, 65:1,  
65:3  
**themselves** [1] -  
26:11  
**thereabouts** [1] -  
43:5  
**thereafter** [1] - 62:16  
**they've** [2] - 59:16,  
63:5  
**thinking** [3] - 8:24,  
22:20, 52:23  
**thinks** [1] - 48:2  
**third** [2] - 41:25, 58:3  
**thoroughly** [2] -  
31:17, 54:19  
**threatened** [1] - 53:6  
**threats** [2] - 31:23,  
57:25  
**three** [7] - 12:21,  
17:21, 19:14, 27:21,  
29:3, 29:7, 47:6  
**Title** [2] - 11:5, 56:17  
**today** [26] - 6:6, 6:17,  
7:1, 7:6, 16:6, 22:12,  
38:21, 39:16, 44:8,  
47:22, 52:4, 52:7,  
53:2, 53:4, 53:11,  
54:24, 55:14, 57:18,  
57:20, 58:2, 58:8,  
58:18, 63:4, 63:11,

63:12, 63:14  
**today's** [4] - 46:17,  
57:14, 58:19  
**toehold** [1] - 3:21  
**together** [12] - 2:8,  
9:24, 11:17, 42:1,  
44:9, 46:18, 51:14,  
52:1, 57:7, 59:23,  
59:25, 61:15  
**topic** [1] - 52:10  
**tougher** [1] - 46:1  
**towards** [1] - 6:2  
**tracking** [2] - 9:13,  
64:1  
**Transcript** [1] - 1:25  
**transcript** [1] - 65:8  
**translator** [1] - 12:15  
**treat** [1] - 19:21  
**treated** [1] - 21:8  
**trial** [27] - 2:9, 4:10,  
4:15, 8:5, 8:9, 29:7,  
34:17, 34:18, 34:21,  
35:5, 35:14, 35:23,  
36:10, 36:13, 36:21,  
37:2, 37:17, 39:7,  
42:9, 44:24, 52:16,  
52:18, 53:3, 58:13,  
62:22  
**tried** [2] - 34:8, 34:12  
**trouble** [2] - 5:22,  
51:4  
**true** [5] - 5:3, 5:6,  
5:22, 39:21, 59:13  
**trust** [1] - 28:24  
**truth** [2] - 13:9, 52:7  
**truthful** [1] - 13:13  
**truthfulness** [1] -  
63:23  
**trying** [6] - 6:19, 7:4,  
26:13, 39:25, 45:20,  
64:10  
**two** [8] - 16:3, 17:22,  
19:6, 41:20, 41:23,  
43:10, 60:7, 61:10  
**typed** [1] - 30:23  
**typically** [1] - 26:1

## U

**U.S** [1] - 1:23  
**ultimately** [5] - 3:19,  
25:15, 39:5, 40:4,  
52:5  
**unacceptable** [1] -  
40:5  
**unanimously** [1] -  
36:15  
**unaware** [2] - 61:8,  
61:21

**under** [9] - 13:7,  
13:15, 21:15, 21:18,  
21:21, 23:4, 38:25,  
49:18, 50:9  
**understood** [14] -  
9:3, 9:7, 9:12, 31:14,  
35:2, 36:4, 36:7, 43:6,  
45:16, 49:10, 49:20,  
51:16, 51:21, 62:12  
**undertaken** [1] -  
61:7  
**UNITED** [3] - 1:1,  
1:3, 1:11  
**United** [14] - 1:13,  
2:9, 2:14, 10:15,  
10:22, 11:5, 14:18,  
14:19, 17:11, 17:14,  
36:11, 55:11, 56:18,  
57:12  
**unity** [1] - 42:4  
**University** [1] - 17:9  
**unlawfully** [2] - 11:7,  
41:21  
**unless** [2] - 43:7,  
60:18  
**unreasonably** [1] -  
38:10  
**unrelated** [1] - 19:12  
**up** [28] - 5:24, 8:21,  
9:25, 10:16, 13:1,  
14:14, 14:23, 24:21,  
27:22, 32:10, 32:19,  
32:22, 33:1, 33:6,  
33:11, 33:17, 33:21,  
37:16, 38:1, 45:11,  
47:6, 50:19, 52:17,  
53:3, 54:9, 54:10,  
56:9, 60:8  
**Urgent** [1] - 42:20  
**usual** [3] - 11:8,  
41:22, 42:22

## V

**various** [5] - 12:21,  
16:21, 26:10, 32:7,  
41:4  
**verdict** [1] - 37:4  
**versus** [2] - 2:10,  
57:13  
**via** [1] - 1:25  
**view** [3] - 9:1, 59:23,  
59:24  
**View** [1] - 15:7  
**violated** [2] - 41:7,  
49:24  
**violation** [3] - 11:5,  
16:20, 56:17  
**virtual** [1] - 51:20

**vis** [2] - 9:1  
**vis-a-vis** [1] - 9:1  
**voice** [2] - 6:20,  
62:23  
**voluntarily** [2] -  
14:13, 32:9  
**voluntary** [3] - 55:3,  
57:23, 58:16  
**vote** [4] - 25:21,  
25:22, 25:25  
**voting** [3] - 25:24,  
26:2  
**vs** [1] - 1:4

## W

**wait** [1] - 60:7  
**waive** [1] - 32:14  
**waiver** [3] - 29:11,  
32:9, 58:14  
**waiving** [5] - 32:7,  
32:18, 32:20, 41:4,  
58:12  
**walk** [1] - 38:2  
**walking** [1] - 6:2  
**wants** [3] - 7:16,  
29:19, 58:22  
**warrant** [2] - 33:8,  
33:9  
**waves** [1] - 8:15  
**waving** [1] - 32:14  
**week** [3] - 8:3, 8:11,  
60:14  
**weekend** [1] - 64:17  
**weeks** [1] - 60:7  
**weight** [2] - 28:7,  
50:19  
**whatsoever** [2] -  
36:3, 54:25  
**White** [2] - 42:16,  
42:18  
**white's** [1] - 43:3  
**wife** [5] - 6:18, 7:2,  
7:14, 15:11, 16:5  
**willingness** [3] -  
26:19, 55:2, 56:2  
**window** [2] - 8:24,  
39:9  
**wired** [1] - 65:4  
**wish** [5] - 12:12,  
12:22, 44:19, 54:13,  
59:20  
**withdraw** [10] - 4:7,  
4:8, 4:19, 7:18, 7:19,  
7:24, 46:5, 49:5, 52:5,  
56:4  
**withdrawal** [2] - 5:7,  
43:18  
**withdrawing** [1] -

54:9  
**witness** [2] - 3:11,  
42:10  
**witnesses** [5] - 35:5,  
35:9, 35:15, 35:19  
**woefully** [1] - 38:25  
**word** [3] - 8:2, 13:8,  
32:9  
**words** [1] - 36:6  
**worse** [1] - 46:3  
**writing** [2] - 60:3,  
60:4  
**written** [2] - 12:25,  
23:22

---

## Y

---

**year** [1] - 25:10  
**years** [7] - 15:10,  
16:14, 27:21, 32:22,  
33:3, 47:5, 47:6  
**York** [2] - 17:15,  
17:22  
**yourself** [2] - 45:25,  
52:12